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ART. XI.—*Notice sur le Zodiaque de Denderah, par M. J. Saint-Martin, Membre de l'Institut.* Paris, 1822.

SINCE the days of the Romans, who plundered Egypt of obelisks and transported whole colonnades of marble pillars from Italy to Constantinople, this magnificent kind of robbery never flourished more than at the present moment. We laugh at the simplicity of the Turks, who fancy that the European traveller covets their classical ruins for treasures of gold and silver contained in them. But perhaps the zeal with which every remnant of other ages, that does not bid defiance to axes, levers, and ropes, is removed to Paris and London, is as ridiculous. Not seldom is a ruined edifice, if we may use the expression, again ruined by these ruthless virtuosos. In an ancient temple, which has suffered only from the hand of time, or the disasters which the chance of ages has brought upon it, there is often much more beauty, than it could have possessed in its best estate. Few new buildings are remarkably attractive, and scarcely can a ruin of two thousand years be otherwise. Many of the little temples at Rome, now among the most prominent objects of antiquarian interest, must, when first erected, have been buildings of no importance or curiosity. But their partial preservation through ages, that have laid so many human generations in the dust, and the associations which often connect them with important historical events, endear them to the student of antiquity. Their

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fallen columns and broken arches, not only in paintings, but in the real landscape, are more beautiful than their first proportions could have been, or than far more perfect modern edifices appear. But so nice and delicate a sentiment is this taste for ruins, that we scorn any but the genuine ruins of long time. Taste has its statute of limitations like the law; it will have ruins whereof the memory of man runneth not to the contrary, or no prescription can exist for them. So too it chooses the effects of real barbarian violence. An ancient temple is the more venerable for what Goth and Vandal did; we take some interest in the work of Attila and Genseric, and are willing even to notice, in the brazen serpents of the Atmeidan, the wounds inflicted by the battle-axe of Mahomet II. But there is no romance in the ruins of lord Elgin, or the scars of Mr Belzoni's sledge-hammer. No one can behold with gratification the brick post erected by lord Elgin to support the corner of the temple of Erectheus at Athens, from which that nobleman *removed* (this is the term) one of the beautiful Caryatides; and we have strong doubts whether future travellers in Egypt will be particularly gratified with finding the roof of the temple of Denderah blown out by gunpowder and carved out with saws by M. Lelorrain, in manner and form as we shall presently state.

Nor is it merely that this merciless zeal often destroys the buildings on which it is exercised, and verifies by wholesale the pathetic allusion of Juvenal to the need in which the very monuments may stand of memorials. What is torn from a venerable ruin, the metope, the statue, the inscription, though it constituted, in its place, no inconsiderable beauty, may be nearly worthless in the museum to which it is removed. If men would tell the truth, ninety-nine out of a hundred would pronounce the headless trunks, noseless faces, and legless horses of the Elgin collection a sorry sight; and every one that has been dragged by an unrelenting cicerone through the entire suite of rooms of an Italian gallery, must feel that half their contents lost their value when taken from the places where they were found. Who can suppress his vexation, on visiting the spot where not fifty years ago the tomb of the Scipios was opened, at being told, that the true sarcophagus of old Scipio Barbatus has been removed to the Vatican, and that what he sees before him, within the walls of that primitive

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republican sepulchre (which, being cut in the solid rock, has not been *removed*) is an excellent imitation of the old hero's coffin.

These remarks, for which there has unfortunately been too frequent occasion of late, to leave them the merit of novelty, are extorted from us by the pamphlet named at the head of this article. It is a memoir read by M. Saint-Martin to the Royal Academy of Inscriptions and Belles-Lettres, on the subject of the Zodiac of Denderah, a relic of antiquity, of which much has been said within a few years. We propose in the rest of this article to give our readers a short account of it.

The banks of the Nile are lined with ruins of great antiquity, from Cairo to the cataracts, and even far beyond, into those remoter regions which civilized travellers have hardly penetrated. The ruins of Denderah attract the notice of the traveller, as being the first after the pyramids themselves—which can hardly be called ruins—that meet him on his way up the Nile. It is partly owing, perhaps, to this circumstance, that these ruins are mentioned with so much enthusiasm by the travellers. Denon exclaims, 'I want words to express what I felt under the portico of Tentira. I felt myself, I really was, in the sanctuary of the arts and sciences. What epochs arose on my imagination, at the view of such a building! How many ages must it have required to bring a creative people to such results; to such perfection and sublimity in the arts! How many ages more to bring on an oblivion of such things, and reduce man, on the soil once fertile of such wonders, to the state of nature, in which we found him! Never was such a space crowded into such a point, and yet nowhere is the march of time so obvious and regular. What enduring power, what wealth, what abundance, yea, what superfluity of resource must not the government have possessed, which reared these structures, and which could command artists that could conceive, execute, and adorn them with every thing that speaks to the eye or the mind. Never had the works of man given me an image so distinct of his greatness and of his antiquity. Among the ruins of Tentira, the Egyptians seemed to me pygmies.'

The ruins at Denderah consist chiefly of the remains of a temple consecrated to Isis. The majestic portico of this edi-

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fice is still entire, and presents a front length of one hundred and forty-five feet, a height of seventy, and a depth of seventy-two feet. The remains of a modern Egyptian *village* cover the top of this ancient building, if we may give the name of village to a collection of wretched hovels, constructed of sun-burned bricks by the peasantry who have fled to this elevated spot, either, as Dr Pococke intimates, to enjoy a freer air, or, as we may rather think, for protection from wandering barbarous hordes. Almost all the ancient Egyptian temples exhibit the same spectacle, and in nothing perhaps is the contrast between the ancient power and modern degeneracy of this people more glaring, than in the villages which one may find on the top of one temple, as at Denderah; and in the corner of another, as at Luxor.

It has generally been thought that this temple was dedicated to Isis, whose head constitutes the face of the capitals of the pillars, on each of the four sides of which they consist. But it has been also imagined that the edifice was connected with some astronomical institution, an inference which has been principally drawn from two Zodiacs, that have been discovered in different parts of the temple. The first is within the portico, at the two ends of the same, six signs being on the right hand and six on the left of the person who stands in the portico. The other Zodiac constituted a portion of the ceiling of an inner room of the temple, and was first noticed by Gen. Desaix, in the hasty visit which he made to this temple, while on the march by it. A drawing was made of it by Denon, and is found in his travels; and Messrs Jollois and Devilliers, two of the savans attached to the French army in Egypt, made a still more perfect one, which is contained in the atlas of the splendid work on Egypt commenced under the patronage of Napoleon, and continued under that of the present king of France.*

The intelligence of the discovery of these Zodiacs excited no little sensation among the learned, on the continent of Europe. As the sign of the lion stood at the head of one of the ranks of signs in the Zodiac of the portico; and also the same

* A copy of this work, than which perhaps none more splendid was ever published, was presented the last year by Mr W. H. Eliot to the library of Cambridge University. It is the only copy of it, of which we have heard, in this country.

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sign was found at the head of the spiral line, formed by the twelve signs of the circular Zodiac, in the interior of the temple, it was thought that the Zodiac must have been constructed at a period, when the sun entered the sign of Leo at the solstice. By the law of the precession of the equinoxes, this would carry back the antiquity of the Zodiac, to a very remote period, and the disciples of Dupuis supposed that they found in it a historical monument to the truth of his enormous paradoxes. They scrupled not to attribute to this Zodiac an age of thirteen thousand years, arguing that, whenever the temple of Denderah may have been built, (which was a point of no moment,) the Zodiacs upon its walls contained a disposition of the signs, which must have been contrived thirteen thousand years ago, at the period when the sun at the solstice entered the sign of Leo. It deserves to be added, to the credit of Dupuis himself, that he exhibited a moderation not always at his command, and (for reasons which M. Saint-Martin, though adopting nearly the same results, pronounces vague and inconclusive) reduced the antiquity of these Zodiacs to thirteen hundred years, instead of thirteen thousand.

While, however, the mass of the continental literati, from love of the marvellous or worse reasons, were urging the extreme antiquity of these Zodiacs, and carrying them back to an epoch anterior by far to the Mosaic chronology, there were not wanting those, who found powerful arguments for the opposite theory. The abbé Testa at Rome, and Visconti at Paris, maintained from internal evidence, that the Zodiacs could not be older than the christian era. Among the signs which they are found to contain, is that of Libra. Now Libra, or the Balance, was not introduced into the Zodiac till the time of Julius Cæsar. Before this period, the place of Libra was occupied by the projecting claws of the Scorpion. It was of course directly inferred that the Zodiac at Denderah containing this symbol, must be as recent as the age of Julius Cæsar. This argument, however, is of no great weight. M. de Humboldt thus expresses himself, in his magnificent work on the monuments of the native American nations. 'In the Arabian hemisphere, the belt of Orion is designated by the name of *the beam of the balance*, and it appears the more remarkable that one of the lunar stations of the Hindoos bears the same name, as, since the discovery of the Zodiac of Tentyra, doubts

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have been started as to the antiquity of the Balance. It cannot be denied, that the figures of the Egyptian, Chaldæan, and Greek Zodiac were known in India from a period of unexplored antiquity, and it is probable that when Julius Cæsar added the Balance to the Roman Zodiac, he did it in pursuance of the suggestions of Sosigenes, who being a native Egyptian, could not be ignorant of the division of the ecliptic used in the east.'* This reasoning of Humboldt is silently adopted by Saint-Martin, and it follows of course, that no argument against the antiquity of the Zodiac of Denderah, can be drawn from the consideration, that the Roman Zodiac did not contain the Balance till the time of Julius Cæsar. M. Biot, however, started an objection to the extreme antiquity of this Zodiac (for the two may be spoken of as one) with which it is harder to deal. He suggested that in order to deduce from the Zodiac an inference as to the age in which it was constructed, it would be necessary to know in what degree and minute of the sign Leo, the sun arrived at the solstice, and it is plain that, for want of this knowledge, no interesting chronological use can be made of it.

M. Saint-Martin does not appear to have attached great weight to this consideration, but has turned his attention chiefly to another point, viz. that the planisphere in question is not constructed, as he thinks, in reference to astronomical phenomena, but simply in reference to the greatest event in the Egyptian economy, the rise of the Nile. This event always coincided with the hot season, and as this begins with the time of the heliacal rising of Leo, M. Saint-Martin thinks that Leo might stand at the head of the signs of the Zodiac, in a calendar constructed in reference to the inundation of the Nile and bearing no relation whatever to the solstice. In this way no inference as to the age of the Zodiac can be drawn from the fact, that the constellation of Leo stands first upon it.

From other reasons, however, depending on the probable explanation of the hieroglyphics found on the ceiling from which the Zodiac was removed, and from a fact, which M. Saint-Martin obscurely hints at, but does not state, reserving it to be proposed in a work entitled *the ancient history of Egypt* which he intends to publish, he fixes the age of this Zodiac at not more than nine hundred nor less than five hundred and sixty

* Monumens des Peuples Indigènes, p. 154.

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years before our Saviour. Till M. Saint-Martin favors us with his farther discoveries, we can only say, that the limits within which he has fixed the age of this relic, appear to us highly probable, and we entertain as little doubt that it was placed by Visconti in an age too recent, as by the disciples of Dupuis, in an age too remote.

We proceed now to a short account of the removal of this work from the temple where it was found, and in doing this, we shall make use nearly of our author's words. The project of transporting the Zodiac to France was, conceived by M. Saulnier, a French merchant engaged in trade with Egypt. Unable to execute the design in person, he committed it to M. Lelorrain, to whose rare intelligence and prudence our author ascribes the successful accomplishment of it. M. Lelorrain started at the close of the summer of 1820, furnished with instruments of all kinds adapted to effect, in the manner the most expeditious and convenient, the removal of the planisphere. On his arrival at Cairo, he obtained the pacha's permission 'to dig' for antiquities, and nothing remained but to avail himself of it, 'which,' says our author, 'was precisely the difficult point.' Two persons have divided between them the exclusive right to discover antiquities in Egypt, and the river Nile forms the line of partition between them. M. Drovetti, the consul of France, like another Cambyses, vindicates to himself the right bank of that river, and Mr Salt, the English consul, like a second Pharaoh, rules over the mummy-pits and ruins of the left. Unfortunately for M. Lelorrain's enterprize, the temple of Denderah is in Mr Salt's dominions, and our author does not inform us by what casuistry he, as a subject of France, acquired the right of blowing up and sawing to pieces one of Mr Salt's ruins. The state of things obliged M. Lelorrain to proceed with great caution and secresy, and seizing on a favourable moment, when he was supposed to be on the banks of the Red Sea, he arrived at Denderah and began his operations.

The Zodiac to be removed, formed, as we observed, a part of the massy stone ceiling of an apartment in the temple, which ceiling was divided into two equal parts by a figure of Isis, traversing the whole length of the same. On the left of this figure is an astrological relief of uncertain signification, and on the right, the Zodiac. The Zodiac not being large enough

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to cover the whole space on the right of the figure, the corners were filled up with hieroglyphical figures. It had been thought, as this ceiling formed the top of the temple, that on removing the rubbish, the ruins of the modern village, that obstructed the top, the stones which composed the cieling, could be lifted upwards from their places, and advantage be then taken of the accumulation of rubbish and soil by the side of the temple, which formed a declivity almost from its summit, to let down the massy Zodiac to the plain and to the Nile. It was thus, in general, that the business was effected, but with great difficulty, in consequence of the thickness of the stone. M. Saint-Martin has related, in the words of M. Lelorrain, the course pursued by this gentleman in accomplishing his arduous undertaking. The portion of the stone covered by the Zodiac and which was to be removed, was about eight feet square. 'I was at first,' says M. Lelorrain, 'much embarrassed to make a hole, whereby I could introduce the saw. The ceiling was three feet thick, and I was afraid of destroying the few chisels I had, and which would be more wanted in other parts of the process, should I make use of them for this purpose.' After one or two unsuccessful attempts with his saws, M. Lelorrain 'imagined an expedient which succeeded completely. I had brought some good gunpowder for presents. I began by blowing off the portions, about which I had sawed. I proceeded at first with caution, in order to ascertain the strength of my charges, and when I had settled this, I went on with confidence. I had the pleasure, after two days of the most fatiguing labor, to succeed in making a large hole, which I increased by the chisels, and into which I introduced the saw. Still I perceived that the saw advanced but one foot daily, and the three sides to be sawed amounted to twenty-four feet. This would have occupied much time, which was inconsistent with the requisite concealment of my operations. I accordingly made two other holes, so that I had three saws at work at once.

'Every thing went on well, my three saws were at work, I had excited my Arabs, and they worked with incredible zeal. I did not leave the superintendence of the work for a moment, when I fell sick, but in such a manner that it was impossible to move. Besides a horrible fever, all my nerves retired toward the joints. This frightful state lasted ten days,

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during which, I was without a physician, till an Arab cured me with the juice of an herb with which I was unacquainted.'

M. Lelorrain had nearly been defrauded of the fruits of his labor in the moment of reaping them. While engaged with his three saws, a gentleman whom he calls 'M. Brodich, the American envoy,' and whom we presume to be our accomplished countryman, Mr Bradish, passed by Denderah and gave information to Mr Salt of what was going forward. Mr Salt is not of a temper patiently to acquiesce while unlicensed travellers thus 'molest his ancient, solitary reign,' and at his instance an order was soon expedited by the kiaya bey to the kachef of Keneh, forbidding M. Lelorrain to remove the planisphere. The remarks of our author on this subject are mischievously candid. 'As the ruins of Denderah are in the part of Egypt, of which Salt has reserved to himself the exclusive possession, it is not surprising that he wished to defeat M. Lelorrain's enterprize. The fact is the less remarkable, as Mr Salt contemplated himself the same undertaking, and the instruments destined to effect it arrived at Alexandria, while M. Lelorrain was on his way with his prize between Cairo and that city. The order of the kiaya bey arrived too late; the Zodiac was already upon the Nile. A movement was made to seize the boat in which it was placed, and M. Lelorrain, continues our author, was on the point of losing the fruit of his labors, and seeing it pass inevitably into the hands of the English.' At this trying moment, he luckily bethought himself of hoisting a white handkerchief upon a staff over the Zodiac, and thus putting it under the flag of France; the kachef of Keneh was afraid of the kerchief of M. Lelorrain, and the Zodiac proceeded safely down the Nile. On his arrival at Cairo, new difficulties arose, and the affair was submitted to the pacha himself, who decided in favour of M. Lelorrain. In July, 1821, this much contested monument was embarked in safety at Alexandria and arrived at Marseilles. Here it passed quarantine; the first time, we imagine, that the signs of the Zodiac were ever subjected to that judicious law; and it was in due season removed to Paris, where, we believe, it has been fixed in the ceiling of one of the apartments of the Louvre.

This interesting relic of antiquity is of sand-stone, about a foot thick, and eight feet square. It presents on its face a

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circle inclosed in a square. Toward the middle of the circle, which is four feet in diameter, the twelve signs of the Zodiac are seen arranged upon a line, not exactly circular, but terminating spirally, the beginning being made by the Lion. Within these signs are the northern constellations, among which the Great Bear is particularly obvious, and placed precisely in the centre of the planisphere. It is the only one of the twenty constellations thus enclosed, which, in its figures, offers any analogy to the modern forms. Five asterisms stand on the same line as the zodiacal signs, and fifty one constellations of the lower hemisphere are without the Zodiac. The constellations are accompanied with hieroglyphics, which may be presumed to express their names. Should it appear, on examination, that this work is executed with scientific accuracy, and that the constellations of the Zodiac can be identified with those of our historical astronomy, these hieroglyphical characters may throw important light on the subject of decyphering, already carried so far by the late researches of M. Champollion.

Finally, this monument, after withstanding the assaults of saws, chisels, and gunpowder, of kachefs, kiayas, and consuls, and, more than all, of three thousand years, is in perfect preservation, and changed in nothing from its primitive state, but by the smoke of the torches with which it was surveyed by the numerous travellers in Egypt before its removal; which has rather improved its appearance, by a dark tint approaching that of bronze.

ART. XII.—*Report made to the General Assembly of the State of Louisiana, of the Plan of the Penal Code for the said State. By Edward Livingston, Member of the House of Representatives from the Parish of Plaquemines.* 8vo. New Orleans, 1822.

THE preceding numbers of our journal have contained ample evidence, we trust, of our hearty cooperation in the furtherance of an object, which, while it is the cause of enlarged and enlightened humanity all over the civilized world, is emphatically so in this country, where every thing conducive to the improvement of man as a social being, is a kind of indi-

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genous production of the soil. We allude to the generous endeavors of philanthropic individuals in the present age, to investigate, establish, and spread abroad a liberal and rational theory of penal jurisprudence, and to the zeal with which those endeavors have been seconded by the legislative bodies of America at least, if not of Europe. In examining the work now before us, and transferring to our pages such extracts from it as may suffice to exhibit a specimen of its character and execution, of the high-minded views of public policy, the strain of manly and animated eloquence, the powerful reasoning, the comprehensiveness and accuracy in details, by which it is every where pervaded and marked, we shall only be continuing our humble exertions to contribute to the diffusion of genuine principles of benevolence and justice.

Mr Livingston's Report was made in consequence of an act of the General Assembly of Louisiana relative to the criminal laws of that state, passed in February, 1820, which, after adverting in the preamble to the primary importance of judicious criminal laws to every well regulated state, and the defectiveness of those already existing there, proceeds to declare that a person should be chosen by the legislature to prepare and present to them the *projet* of a suitable penal code for Louisiana. This honorable task was accordingly assigned to Mr Livingston, whom, with a confidence equally flattering to him and creditable to the state, the legislature appointed to carry their designs into execution; and to these proceedings we are indebted for the Report. As this is the first instance, we believe, in our country, in which a radical reform of the criminal laws of a state has been systematically and deliberately undertaken, we rejoice that the attempt was commenced under such favorable auspices. We congratulate the state of Louisiana that so many propitious circumstances have conspired, in the present experiment, to give it a chance of fair and unembarrassed trial, so far as the intrinsic perfection of the code can minister to its successful operation in practice. And we consider it as not the least propitious of these circumstances that a jurist was selected to prepare the plan, whose personal qualities are an adequate pledge and guarantee of t e excellence of whatever comes from beneath his hand, and whose public standing is such that he must move in a sphere far above the influence of any inducements, but

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an ambition to promote the best good of his country and his species. It was an advantage, also, of no inconsiderable weight, that only a single person was charged with this noble trust,—that Mr Livingston was not encumbered and shackled in the prosecution of his enquiries by a subjection to the opinions of associates in his important functions, but was wisely left to the guidance of his own individual intellect. Had the task of compiling a criminal code been committed to several persons instead of one alone, we believe the symmetry and excellence of the work would have been essentially impaired. If we reflect on the history of legislation, we shall find that seldom has an extensive and radical improvement been effected in the laws of a country, except where that country was subject to the despotic sway of a single ruler, who, like Justinian, Frederic, or Napoleon, could sweep away the ancient system, and substitute a new one in its stead, by the irresistible arm of power,—or where the will of a free people spontaneously deferred a temporary authority for that purpose to a Moses, a Charondas, a Lycurgus, or a Solon. And for the same reason we applaud the wisdom displayed by Louisiana in determining to have an entire new criminal code, which was peculiarly demanded by a state, over which three distinct nations have successively ruled;—Spain and France, as their dominion passed away, each leaving behind her imperishable traces of her national peculiarities impressed on the laws of the people, and the adoption of that people into the great American family, having now superadded many features of the English jurisprudence to those already stamped upon the institutions of Louisiana by the French and Spaniards. In these circumstances it would have been idle to think for a moment of reforming the criminal law without beginning at the very root, and renovating the whole parent trunk, as well as the remoter branches. Even we, in the Atlantic states, where our laws, flowing from a single uniform source, can more easily be amended by means of partial changes, have seen enough of the effects of fastening the *purpureus pannus* over the blemishes in our laws,—enough of the evils of such imperfect legislation,—to be satisfied of the necessity of something different, in order to reform laws so multifarious in respect to their origin, as those of Louisiana.

Such are the favorable circumstances under which the duty

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of reforming the criminal code of Louisiana has been entered upon by Mr Livingston, who lays before his constituents, in the Report under consideration, a general account of his plan, with an exposition of the most important among the changes proposed by him, and some detached parts of the projected code, as specimens of the execution of the work. The code is divided into six books. The first is composed of definitions of technical words, and directions with regard to the promulgation of the code; the second contains a preamble, and certain dispositions of a general and introductory nature; the third defines offences and designates their punishment; the fourth establishes a system of criminal procedure; the fifth contains rules of evidence applicable to trials for the several offences made punishable by the code; and the last relates to the establishment and government of a penitentiary. The preamble of the second book comprises an outline, sketched with a bold and masterly hand, of the whole science of penal law,—the great fundamental truths, which it is the purpose of the code to embody forth and put in practice; and an extract from this preliminary chapter, will fully unfold the objects, nature, and extent of the improvements projected by Mr Livingston.

'The General Assembly of the state of Louisiana declare that their objects in establishing the following code are:—

'To remove doubts relative to the authority of any parts of the penal law of the different nations by which this state, before its independence, was governed.

'To embody into one law, and to arrange into system, such of the various prohibitions enacted by different statutes as are proper to be retained in the penal code.

'To include in the class of offences acts injurious to the state and its inhabitants, which are not now forbidden by law.

'To abrogate the reference, which now exists, to a foreign law for the definition of offences and the mode of prosecuting them.

'To organize a connected system for the prevention, as well as for the prosecution and punishment of offences.

'To collect into one code, and to express in plain language, all the rules which it may be necessary to establish, for the protection of person, property, condition, reputation, and government; the penalties and punishments attached to a breach of those rules; the legal means of preventing offences, and the

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forms of prosecuting them when committed; the rules of evidence, by which the truth of accusations are [is] to be *tested;* and the duties of executive and judicial officers, jurors, and individuals, in preventing, prosecuting, and punishing offences: to the end that no one need be ignorant of any branch of criminal jurisprudence which it concerns all to know.

'And to change the present penal laws, in all those points in which they contravene the following principles, which the General Assembly consider as fundamental truths, and which they have made the basis of their legislation on this subject, to wit:—

'Vengeance is unknown to the law. The only object of punishment is to prevent the commission of offences. It should be calculated to operate,

'First, on the delinquent, so as by seclusion to deprive him of the present means, and, by habits of industry and temperance, of any future desire to repeat the offence.

'Secondly, on the rest of the community, so as to deter them by the example, from a like contravention of the laws. No punishments greater than are necessary to effect these ends ought to be inflicted.

'No acts or omissions should be declared to be offences, but such as are injurious to the state, to societies permitted by the laws, or to individuals.

'But penal laws should not be multiplied without evident necessity; therefore, acts, though injurious to individuals or societies, should not be made liable to public prosecution, where they may be sufficiently repressed by private suit.

'From the imperfection of all human institutions, and the inevitable errors of those who manage them, it sometimes happens that the innocent are condemned to suffer the punishment of the guilty. Punishments should, therefore, be of such a nature that they may be remitted, and as far as possible, compensated, in cases where the injustice of the sentence becomes apparent.

'Where guilt is ascertained, the punishment should be speedily inflicted.

'Penal laws should be written in plain language, clearly and unequivocally expressed, that they may neither be misunderstood nor perverted; they should be so concise, as to be remembered with ease; and all technical phrases or words they contain, should be clearly defined. They should be promulgated in such a manner, as to force a knowledge of their provisions upon the people; and to this end, they should not only be published, but taught in the schools, and publicly read on stated occasions.

'The law should never command more than it can enforce. Therefore, whenever, from public opinion or any other cause,

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a penal law cannot be carried into execution, it should be repealed.

'The accused, in all cases, should be entitled to a public trial, conducted by known rules, before impartial judges, and an unbiassed jury; to a copy of the act of accusation against him; to the delay necessary to prepare for his trial; to process to enforce the attendance of his own witnesses, and to an opportunity of seeing, hearing, and examining those who are produced against him; to the assistance of counsel for his defence; to free communication with such counsel, if in confinement; and to be bailed in all cases, except those particularly specified by law.

'No presumption of guilt, however violent, can justify the infliction of any punishment before conviction, or of any bodily restraint greater than is necessary to prevent escape; and the nature and extent of the restraint shall be determined by law.

'Perfect liberty should be secured of hearing and publishing the proceedings of criminal courts; and no restraint whatsoever should be imposed on the free discussion of the official conduct of the judges, and other ministers of justice, in this branch of government.

'Such a system of procedure in criminal cases should be established, as to be understood without long study; it should neither suffer the guilty to escape by formal objections, nor involve the innocent in difficulties by errors in pleading. For this purpose amendments should be permitted in all cases where neither the accused nor the public prosecutor can be surprised.

'Those penal laws counteract their own effect, which through mistaken lenity, give greater comfort to a convict than those which he would probably have enjoyed while at liberty.

'The power of pardoning should be exercised only in cases of innocence discovered, or of certain and unequivocal reformation.

'Provisions should be made for preventing the execution of intended offences whenever the design to commit them is sufficiently apparent.

'The remote means of preventing offences do not form the subject of penal laws. The General Assembly will provide them in their proper place. They are the diffusion of knowledge by the means of public education, and the promotion of industry, and consequently of ease and happiness among the people.

'Religion is a source of happiness here, and the foundation of our hopes of it hereafter; but its observance can never, without the worst of oppression, form the subject of a penal code. All modes of belief and all forms of worship are equal in the eye of the law; when they interfere with no private or public rights, all are entitled to equal protection in their exercise.

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'The innocent should never be made to participate in the punishment inflicted on the guilty; therefore no such effects should follow conviction as to prevent the heir from claiming an inheritance through or from the person convicted. Still less should the feelings of nature be converted into instruments of torture by denouncing punishment against the children to secure the good conduct of the parent.

'Laws intended to suppress a temporary evil should be limited to the probable time of its duration, or carefully repealed after the reason for enacting them has ceased.' pp. 111—116.

These general maxims, all of indisputable truth, being laid down in the outset, serve as a clue to guide the legislator through the multiplicity of particular provisions, which compose the body of the code. But it is easier to arrive at general conclusions in political philosophy, than it is to determine the application of those conclusions to specified cases, or to reduce them to a practical form. What use Mr Livingston has made of them will appear from adverting to some of the changes proposed and defended by him in the Report:—changes, which, whether they are improvements, or innovations merely, are of sufficient importance to be entitled to attentive consideration.

We would not be of the number of those rash and intemperate innovators upon the established order of things, who mistake novelty for excellence, who deem an institution antiquated because it is old, and who would rush on precipitately in a career of bold and sweeping legislation, without duly weighing the dangerous consequences of their headlong course. Laws are so closely complicated and bound together by an infinite variety of delicate relations, and so powerful is the reciprocal action upon each other of laws and of public sentiment, that he must be endowed with more than human sagacity, who can look into future ages, and trace out the long chain of consequences, which may follow the introduction of a solitary change in existing institutions. It is not only the passing generations of men, whose interests are to be regarded, but those also which have not yet arisen to play their part on the stage of life, are deeply concerned in the question. But, on the other hand, while institutions, which have gained strength from being long associated with our prepossessions and habits, should never be discarded without the most powerful inducements,—still they, who have the control

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and guidance of public sentiment, should take heed how they cling to ancient abuses for no other reason but that they are ancient. It is no proof of respect for the past to follow it blindly and implicitly; because it is only what all time has sanctioned, not what has subsisted during all time, which is entitled to our veneration. Nay, if we listen as we ought to the voice of experience, she will tell us that time is the greatest of all innovators. Every thing admirable in the science or the arts of the present age is a new argument to show how incessantly time is innovating upon the institutions, usages, opinions, and principles of our forefathers. In truth, today is older than yesterday, and therefore, were the mere age of a doctrine to be regarded, the tenets of the present would have a stronger claim to be invested with the *prestige* of antiquity than those of the past. We should consider that, if they who went before us were giants and we are but pygmies, yet, as Fontenelle ingeniously observed, we stand upon their shoulders, and can therefore extend our view to comprehend a wider expanse of the intellectual horizon than their vision embraced. We possess not only the wisdom of the ancients, but the wisdom of the moderns also, by which to correct the errors and supply the deficiencies in the knowledge handed down to us from the sages of preceding times. And whatever attachment we may feel for institutions which our fathers established, which we were born under and bred to revere, and with which all the fondest recollections of our early years are associated,—as earnest inquirers after truth, we should fail in our duty to ourselves and posterity, if we did not come to the question of the expediency of such institutions wholly divested of any prepossessions, apart from our judgment of their intrinsic excellence.

It is the more necessary to entertain this feeling in connexion with our criminal laws, inasmuch as their substance, their system, their technical language, and their genuine spirit belong to a rude and uncivilized period in man's history. The peculiar provisions of the common law, whether of Saxon or Norman parentage, were devised amid the civil broils and the universal ignorance of the middle ages; and gloriously distinguished, as this system was, among all those which arose at the same period, by the rare infliction of torture and by the prevalence of a public trial by a jury of peers, it

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bore, nevertheless, too evident traces of the barbarian genius which presided over its construction. These considerations ought to be carried along with us in examining Mr Livingston's Report, because it recommends some departures from the generally received principles of criminal law, which are bold innovations even in this country, where, as he himself observes, 'there is no antiquity to create a false veneration for abuses.'

Mr Livingston proposes, among other smaller changes, four principal deviations from the crimes designated by the common law, all which deviations are defended with great eloquence, and with a cogency of reasoning which it is certainly difficult to withstand. The first of them is a modification of the law respecting complicity. Our juridical readers will recollect that, by the common law, any 'person, who, knowing a felony to have been committed, receives, relieves, comforts, or assists the felon,' is styled an accessory after the fact, and in most cases subjected to the same punishment as the principal offender.* By the provisions of the new code of Louisiana, such an act is to cease to be criminal in relations of the principal in the ascending or descending line, or in the collateral, as far as the first degree, or in persons united to him by marriage, or owing him obedience as a servant.

'Our law now calls for the punishment of acts, which, if not strictly virtues, are certainly too nearly allied to them to be designated as crimes. The ferocious legislation, which first enacted this law, demands, and sometimes under the penalty of the most cruel death, the sacrifice of all the feelings of nature, of all the sentiments of humanity; breaks the ties of gratitude and honor; makes obedience to the law to consist in a dereliction of every principle that gives dignity to man; and leaves the unfortunate wretch, who has himself been guilty of no offence, to decide between a life of infamy and self-reproach, or a death of dishonor. Dreadful as this picture is, the original is found in the law of accessories after the fact. If the father commit treason, the son must abandon or deliver him up to the executioner. If the son be guilty of a crime, the stern dictates of our law require that his parent, that the very mother who bore him, that his sisters and brothers, the companions of his infancy,—should expel nature from their hearts and humanity from their feelings; that they should barbarously discover his retreat; or with in-

* Blackstone's Com. iv. 37.

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human apathy abandon him to his fate. The husband is even required to betray his wife, the mother of his children; every tie of nature or affection is to be broken, and men are required to be faithless, treacherous, unnatural, and cruel, in order to prove that they are good citizens and worthy members of society.' *Report*, pp. 30, 31.

Perhaps the common law goes too far in making it criminal to afford the least aid or shelter to a felon, although it would evidently be difficult to draw the line between those acts which tend, in a greater or less degree, to obstruct the course of justice; but we doubt whether Mr Livingston's amendment would be found safe in operation. If the persons particularized in the code have a right to exercise all their ingenuity, nay, to have recourse to violence itself, to enable their kinsman to elude the pursuit of justice, felons might easily set the laws at defiance. We do not say that the laws ought to go the length of asking a parent to abandon his child, or a husband his wife, much less to assist in their apprehension; it may be wrong to look, in every father, for the stern justice of a Junius Brutus. But we should hesitate in granting men protection and indemnity, while they were rescuing the guilty from that punishment, which the good of society required they should suffer. Besides, Mr Livingston confines the privilege to certain specified relations, leaving cases of other 'ties of gratitude or friendship,' to 'the consideration of the pardoning power.' Now it is clear that the principle, on which Mr Livingston would excuse persons in the cases referred to,—that it is unjust to demand of men to do what is incompatible with the natural feelings of humanity,—applies with equal force to many relations, for which he does not and cannot provide. How often are 'the ties of gratitude or friendship' stronger than those of birth;—and yet he, who should yield to the dictates of nature for the protection of his friend or benefactor, must still be subjected to suffer as an accessory.

Whatever doubt there may be, however, with respect to the expediency of this change, there can be none as to the two next proposed by Mr Livingston. The reasons, which induced him to expunge from his code the act of suicide, and another, whose name ought never to pollute the laws of a civilized people, we think are unanswerable. For his remarks on the latter, we refer to the Report itself; on the former, he observes:

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'Melancholy, misfortune, and despair sometimes urge the unhappy to an act, which, by most criminal codes, is considered as an offence of the deepest die; and which, being directed principally against the offender himself, would have required a separate division, if it had been admitted in this code. It has not; because its insertion would be contrary to some of the fundamental principles, which have been laid down for framing it.

'Suicide can never be punished but by making the penalty, whether it be forfeiture or disgrace, fall exclusively upon the innocent. The English mangle the remains of the dead. The inanimate body feels neither the ignominy nor pain. The mind of the innocent survivor alone is lacerated by this useless and savage butchery, and the disgrace of the execution is felt exclusively by him, although it ought to fall on the laws which inflict it. The father, by a rash act of self-destruction, deprives his family of the support he ought to afford them; and the law completes the work of ruin, by harrowing up their feelings, covering them with disgrace, and depriving them, by forfeiture, of their means of subsistence.

'Vengeance, we have said, is unknown to our law; it cannot, therefore, pursue the living offender, much less, with impotent rage, should it pounce like a vulture on the body of the dead, to avenge a crime which the offender can never repeat, and which certainly holds out no lure for imitation. The innocent, we have assumed, should never be involved in the punishment inflicted on the guilty; but here not only the innocent, but those most injured by the crime, are exclusively the sufferers by the punishment. We have established, as a maxim, that the sole end of punishment is to prevent the commission of crime; the only means of effecting this, in the present case, must be by the force of example. But what punishment can be devised to deter him, whose very crime consists in the infliction upon himself of the greatest penalty your law can denounce? Unless, therefore, you use the hold which natural affection gives you on his feelings, and restrain him by the fear of the disgrace and ruin with which you threaten his family, your law has no effective sanction. But humanity forbids this; the legislator that threatens it, is guilty of the most refined tyranny; if he carries it into execution, he is a savage. It is either a vain threat, and therefore cannot operate; or if executed, with an ill-directed rage, strikes the innocent because the guilty is beyond its reach.' pp. 35, 36.

The three changes on which we have commented, are omissions of crimes recognized by the common law, as it exists in England and is adopted in most of the United States. The last change in the enumeration of public offences recommend-

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ed by Mr Livingston, is the creation of a new class, against the freedom of the press. He remarks:

'It has generally been thought a sufficient protection [of the liberty of the press] to declare that no punishment should be inflicted on those who legally exercise the right of publishing; but hitherto no penalties have been denounced against those who illegally abridge this liberty. Constitutional provisions are, in our republics, universally introduced to assert the right, but no sanction is given to the law. Yet do not the soundest principles require it? If the liberty of publishing be a right, is it sufficient to say that no one shall be punished for exercising it? I have a right to possess my property, yet the law does not confine itself to a declaration that I shall not be punished for using it; something more is done; and it is fenced round with penalties, imposed on those who deprive me of its enjoyment.

* * *

'All violence, or menace of violence, or any other of the means which are enumerated in the code; all exercise of official influence or authority, which may abridge this valuable privilege is declared to be an offence. Nay, the project which will be presented to you, goes further, and considering the constitutional provision as paramount to any act of ordinary legislation, and consequently that all laws in derogation of it are void;—it declares all those guilty of an offence, who shall execute any law abridging or restraining the liberty of the press, contrary to the privilege secured by the constitution.' pp. 39—41.

We confess that this improvement strikes us as being rather fanciful, and, what is worse, as unnecessary and incapable of answering any useful purpose. Mr Livingston cannot be more ardently attached to a free press than ourselves, nor more resolute to maintain it to the best of our ability, in its full integrity, at every hazard. Most fervently do we respond to the declaration of our own constitution, that 'the Liberty of the Press is essential to the security of freedom in a state.' But we think this liberty is sufficiently guarded by the removal of all restrictions on its legitimate use. From whom are we to apprehend any infringement of it, which a penal sanction in the laws could prevent? Not surely from persons in their private, individual capacity; because the liberty is of such a nature, that no direct invasion of it can be made by private persons. It is not in the power of man to impede us in the mere publication of our sentiments, by any immediate act, for which the laws do not sufficiently provide. In revenge

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of what we have published, or in anticipation of what we intend to publish, he may attack, seize, imprison our persons; he may denounce our principles and defame our characters; he may deface or destroy our manuscripts, or sheets, or scatter their fragments abroad to the winds of heaven; he may break up our apparatus for printing, and disperse our types or shake them together into inextricable confusion: but who would pretend that either of these acts was, properly speaking, an invasion of the freedom of the press? They are all infringements of the rights of personal security, liberty, or property, for which the comprehensive remedies of the common law already afford adequate redress. No direct attack can be made on the freedom of the press *as such*, but by some branch of the government. Now if the executive or judicial authorities attempt to debar a citizen from the free use of a privilege accorded him by the laws, the injured party may proceed against the wrong-doer as a private individual, amenable, like other individuals, to the municipal laws of his country; or he may pursue the constitutional remedy of an impeachment of such wrong-doer for the illegal act as perpetrated in his official capacity; or he may do both; and in this alternative, he certainly has most ample opportunity to obtain legal indemnification for his injury. In short, there is but one source in our republics, from which any serious attack on the liberty of the press can be rationally apprehended, and that is the legislature. Should our legislative halls ever become a field for the ambitious efforts of unprincipled men, it would evidently be for their interest, and would probably be their endeavor, to abridge and circumscribe the operations of the press, which, if free, could not fail to oppose the most formidable resistance to the execution of any project for subverting the constitution. Now if such a crisis in the affairs of Louisiana should hereafter occur, how is it that the penal denunciations in the new code can chain the hands of the General Assembly? They do not become incorporated in the constitution. The same power which enacts the code, may repeal it. Nor do we think it sufficient to reply to this objection, as Mr Livingston does, that 'the repeal of this part of the code would be an acknowledgment, on the part of those who procured it, that they were hostile to the right secured by the constitution;' and that this no representative would dare to avow. If it were reasonable

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to suppose this would prevent the repeal of the provisions in question, still it could not prevent the execution of those insidious practices against the freedom of the press, which, our author very justly intimates, are much more to be dreaded than direct and open attacks. Suppose some future legislalature should endeavor to abridge and circumscribe the liberty of the press by passing a law to declare certain descriptions of writing libellous. If the law was incompatible with the constitution, it would be merely void, and so could do no harm. If it was constitutional,—if it was a law which it was fully within the authority of the legislature to enact,—we see no way by which Mr Livingston's plan could prevent its being executed; because the courts cannot have a right to animadvert on the legislature for the exercise of a strictly constitutional power. Furthermore, we do not conceive it to be necessary to protect the liberty of the press by penal laws against its infringement. It is no more requisite in this case than it is in order to protect the liberty of conscience—a liberty as dear, unquestionably, to freemen and to Americans, as that of the press. If the laws grant every man the right of enjoying perfect freedom in respect to his religious sentiments so long as the public safety or the corresponding right of his fellow-citizens is not compromitted,—his freedom is secure, and he ought to ask for nothing more from the state. So it is, in our opinion, with regard to the liberty of the press. We do not deny that there are many very serious defects in the present law of libel; and we should rejoice to see the leading provisions in Mr Brougham's famous bill for securing the liberty of the press, and preventing its abuses,* adopted on this side the Atlantic; but we feel satisfied that our present system of laws, when so amended, would abundantly suffice to protect the exercise of this invaluable privilege in its full extent.

We have enlarged on this topic considerably, both because of its importance in itself, and because we entertain such high respect for the judgment and opinions of Mr Livingston, that we were unwilling to differ from him materially without assigning our reasons at some length. Mr Livingston next proceeds to consider a portion of criminal law, which is undoubtedly the most important, namely, the means of securing obedience to its prohibitory and mandatory provisions, or the

* Edinburgh Review, No. 53.

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punishment of crimes. In this branch of his duty, he investigates his principles with great care and faithfulness, and then fearlessly follows them out through all their consequences.

'It would be disgusting and unnecessary to pass in review all the modes of punishment, which have, even in modern times, been used, rather it would seem to gratify vengeance, than to lessen the number of offences. A spirit of enlightened legislation, taught by Montesquieu, Beccaria, Eden, and others,—names dear to humanity,—has banished some of the most atrocious from the codes of Europe. But it has happened in this branch of jurisprudence, as it has in most other departments of science, that long after the great principles are generally acknowledged, a diversity of opinion exists on their application to particular subjects. Thus, although the dislocation of the joints is no longer considered as the best mode of ascertaining innocence or discovering guilt; although offences against the Deity are no longer expiated by the burning faggot; or those against the majesty of kings avenged by the hot pincers, and the rack, and the wheel; still many other modes of punishment have their advocates, which, if not equally cruel, are quite as inconsistent with the true maxims of penal law. It may, therefore, be proper to pass some of them in review.' pp. 43, 44.

We need not follow our author through his exposition of the defects of the ordinary modes of punishment, which the example of Europe has sanctioned too long, but which now meet with few advocates in America. Banishment, deportation, simple imprisonment or imprisonment in chains, confiscation of property, exposure to public derision, labor on public works, mutilation or other indelible marks of disgrace, stripes or the infliction of other bodily pain,—are all of them punishments, which the good sense of the people of our country in general, no less than the sober conviction of men who make this a subject of philosophical inquiry, has almost universally condemned, as alike inconsistent with the principles of justice and humanity, unsuited to the temper of the times, and hostile to the liberal spirit of all our laws, customs, habits, and institutions. Mr Livingston has done, we apprehend, what the great mass of his countrymen will cordially approve, in throwing these altogether out of the question in the compilation of his code; and in abolishing, at the same time, the punishment of death, he has ventured upon the trial of a system, whose efficacy all humane men will rejoice to see thoroughly

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tried, whatever doubt may exist with regard to the issue. For the reason just mentioned, as also that we have heretofore expressed our opinion very fully, in the places referred to at the beginning of this article, on the subject of all the descriptions of punishment discarded by Mr Livingston, but death, we may pass over them here; but we crave the attention of our readers while we enter briefly into the examination of his remarks on this last head. While so many wise and excellent persons continue to think the exigencies of social order require us to stop, in the career of penal reform, at the point beyond which Mr Livingston has dared to go,—we do not feel prepared to urge unreservedly the expediency of abandoning capital punishments; but we desire to state why we rejoice, as we said, that the experiment is about to be tried in Louisiana, and why we wish it might be tried in her sister states.

It is a mistaken but popular notion, arising doubtless from the cruel and sanguinary nature of the punishments which have prevailed in the governments established on the ruins of the Roman empire, that penal denunciations are the principal sanction of the laws, and the great moral machinery for the preservation of the rights of individuals and of the public, in political communities. This degrading view of the purposes of human action is, thank heaven, as false in theory as it is pernicious in effect. The very fact, indeed, that crimes are punished at all affords an unanswerable proof of our position; for if, amid all the bad passions of social man, a redeeming spirit were not abroad in society,—if the principle of virtue in mankind did not overmaster the principle of vice,—if the fear of punishment were the sole or main motive which deterred them from the commission of crime,—it is most clear that penal laws would never be made or executed, because the necessary physical power would be wanting to accomplish that purpose. But the number of men in a community is small, and the situations in almost every man's life are few, where it is only the apprehension of the laws, which deters from the perpetration of crime. No, the great body of the community do not abstain from murder, rapine, and other high-handed offences, because they have the terror of an indictment before their eyes. Men must already be far gone in guilt before they can be fit subjects for the operation of such influences. Their natural abhorrence of crime generally preserves them

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from its contamination. And the inference deduced from this fact is confirmed by the circumstance that the hope of reward is the most active stimulant that ever animates the human breast. Justly may we say, *benevolentiæ vim esse magnam, metus imbecillam*, as Cicero did, in his Offices, when contrasting the different principles of government pursued in early and later times by the Romans. For if hope be not stronger to impel than fear to deter, what is it that ever prompts men to the commission of crime? Surely they do not violate the sanctity of private property *de pure perte*, and without the expectation of some benefit to be attained; nor do they imbrue their hands in a brother's blood, under the influence of a mere spirit of mischief, or of any inexplicable and mysterious fatality overruling their destiny. Men act from more simple motives. They perpetrate crimes on precisely the same principle of conduct for which we contend as the strongest, and of which many legislators make so little account,—the preponderance of the hope of some good to be gained by the deed, over the fear of the evils which may pursue the doer of it. So true it is that this very fear of punishment, which some would have to be the grand moral arcanum for purifying society of all its noxious propensities, yields, in every case where we can discern the working of these propensities, to the more potent counteracting influence of the hope of reward. In innumerable cases that could be imagined, where the respective influences of the hope of good and fear of evil are placed in conflict, the whole history of human life and conduct evinces, that the stimulating and honorable principle of the hope of reward is far more powerful, than the depressing and ignoble principle of the apprehension of punishment. All our springs of enterprise are set in action by hope; and as it is certain that the race of man goes on constantly improving,—that his soul has that in it which enables it to rise superior to the afflictions and vexations, which ally us to earth,—that under the inspiring auspices of hope, he nerves himself to manly achievement,—in the same degree is it certain that fear is less powerful than hope. If our laws had no better sanction than the punishments detailed in the statutes, the poor expedients of the scaffold or the prison-house, slippery indeed would be the foundation, and frail the fabric of civil order. Fortunately it rests on a firmer basis. The rock of ages, on which it is indestructibly established, is the

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integrity and sanctity of public sentiment, the dignity of our nature, the innate and inextinguishable love of excellence of which man's breast is the sanctuary, the desire of deserving and acquiring the love and esteem of our fellows, and, above all, the certainty that virtue is its own reward in this life and the pledge of eternal happiness when we shall have

'shuffled off this mortal coil;'

these are the sources from which our laws derive their surest and strongest sanction.

The false notions which we have endeavored to expose, were, as we said, partly the offspring of that cruel system of penal law, which grew up in a barbarous age, and still endures in too many countries, a monument alike of the ignorance of the fathers and the prejudice of the sons. But there has been a reaction also, and if these laws were originally the rude invention of a ruder people, they have since been perpetuated by the very misconceptions to which they gave rise. For those misconceptions have induced legislators to repose undue reliance upon a mode of internal administration, consisting only of the summary process of severe penal denunciations. Such a theory is radically inconsistent with all sound principles of government; because it evidently tends to debase the moral sentiment of the people,—to substitute in their minds a set of degrading motives in the place of more worthy ones,—to counteract its own operation by leading to executions so numerous as to engender a savage and hardened national character, or so rare as to reduce the chances of punishment, and thus occasion the laws to be defied with impunity. More than all, and in one word, the theory is pernicious because it produces a waste of power. We hold it to be a fundamental axiom in political science, that no more power is to be applied to any object than is necessary to effect the desired end. Now those laws which proceed upon the hypothesis, that holding up the fear of punishment is the great secret of governing men,—those laws which are lavish in the number or excessive in the degree of the penal inflictions denounced by them against crimes,—those laws which pronounce the punishment of death in any case,—do, as we contend, lie open to this unanswerable objection of a prodigal expenditure of power. We charge all governments, which enact such laws, with violating a maxim as true in politics as in poetry:

Nec Deus intersit, nisi dignus vindice nodus.

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We say to them: You are false to your duty as lawgivers bound to consult the best interests of your constituents, since, regardless of the value of life, you are culpably lavish of it where its destruction is not needed. You are wasting the means of government, which social union imparts to you to be husbanded with care and cautiously applied. You descend to the *ultima ratio*,—the last desperate remedy of the laws,—the final and fatal exercise of the highest act of human authority,—and you do it when you ought to be exerting the skill of a refined and lettered christian in preventing the crime, instead of wreaking upon the culprit the mere brute force of an uncivilized savage. You have declared, in the words of Beccaria, *una guerra della nazione con un cittadino;* you, wielding all the power of a mighty people, have levelled it against the devoted head of a solitary citizen, as if there were no means within your reach to secure the nation against the aggressions of individuals but by urging upon them singly a war of extermination.

Our readers will now perceive on what ground we are content to rest the whole dispute; setting aside for the present all other considerations, we willingly restrict the enquiry to this simple position: The ends of government can be answered by milder punishment than that of death, and therefore it is inexpedient, as an abstract principle of public policy, to inflict the punishment of death. We speak now of the ordinary cases of government; of course, we do not mean to include in them such extraordinary cases as popular tumults and seditions, in times of general anarchy, when a body of the people have taken up arms against the laws, and can be quelled only by the same means, which would be necessary to repel a foreign national enemy. But we maintain that, in all cases of proper private crime, the infliction of death in sanction of the laws is a waste of power. Those who hold an opposite opinion cannot complain of this view of the subject; it is conclusive, if true; and if fallacious, the fallacy must be easy of detection and exposure. Let us examine the doctrine a little more closely, and see whether the inference, which we wish to draw, do not follow inevitably from the premises.

The advocates of the punishment of death in this country are not desirous, we believe, to extend it to more than five or six of the most flagitious crimes, such as treason, murder,

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robbery, arson of a dwellinghouse, and a few others of a like dangerous stamp, which, as they contend, the security of society demands should be thus rigorously punished. Now let us suppose that a misguided man, infatuated by the temporary madness of revengeful passions, raises his hand against the life of another; or urged and goaded on by the stimulus of imperious want, seizes, with licentious rapacity, the gold which fortune has bestowed upon his more prosperous fellow. When the strong arm of the law has arrested the unhappy offender, who, if he deserves to be condemned for his guilt, deserves also to be pitied for his weakness, in what manner shall violated justice visit his crime? Shall she array herself in wrath, and pursue him with the sternness of private vengeance? No:—she personates the majesty and integrity of the laws; it is not for her to indulge in those very passions, which have troubled the world's peace. Shall she presume to scrutinize his heart, and then hurl down her indignation upon the criminality, which she imagines she can discover there? O no:—she herself does but speak the voice of poor fallible man; it is not for human justice to assume the attributes or arrogate the prerogatives of heaven. She has detected a member of the community in a daring attack upon its vital interests,—she has apprehended him in arms against the public tranquillity,—she has found him, if you please, throwing off the protection of the laws and overleaping the pale of the social compact. What then? Shall she serve him as was practised of old in England with outlawed felons, who, having renounced all law, were said to have *caput lupinum;* shall she declare that he may be hunted down and slain, wheresoever he can be caught, as a beast of prey? This is what the advocates of capital punishment would have her do; but surely the national power is most unworthily used, if it be wreaked thus terribly upon the wretch, whom it ought in the beginning to have withheld from committing crime, and whom, now that it is too late to prevent his guilt, it should endeavor to reclaim to society, and enable to atone for his sin by passing the residue of his days in penitence and usefulness.

But we shall be told it is not enough to dispose of this single individual. The good of society requires, when the laws have been violated, that the offender should be so dealt with, as by the salutary influence of his example to deter others

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from a repetition of his offence. Although as respects this individual himself, if he stood alone, it would be the right of the government to take measures only to secure his future obedience, yet, as some method must be devised to sanction the laws, the government has a further right to sacrifice him at the shrine of public justice, for the benefit of the community, whose protection he has forfeited. It is at this point,—the comparative force of death as an example,—that our author takes up the argument, which he chiefly confines to this consideration. He contends that the fear of the privation of life does not exert so powerful an influence on the mind as many other motives, which are within the control of a legislator; and that, if you make the spectacle of the infliction of death common, it debases and brutalizes the public sentiment,—if you make it rare, it converts the criminal into a martyr,—and in either alternative does more evil than good. A few extracts will fully explain his ideas on the subject.

'Let us have constantly before us, when we reason on this subject, the great principle, that the end of punishment is the prevention of crime. Death, indeed, operates this end most effectually as respects the delinquent; but the great object of inflicting it is the force of the example on others. If this spectacle of horror is insufficient to deter men from the commission of slight offences, what good reason can be given to persuade us that it will have this operation where the crime is more atrocious? Can we believe that the fear of a remote and uncertain death will stop the traitor in the intoxicating moment of fancied victory over the constitution and liberties of his country? While, in the proud confidence of success, he defies heaven and earth, and commits his existence to the chance of arms, that the dread of this punishment will check his pride,—force him, like some magic spell, to yield obedience to the laws, and abandon a course which he persuades himself makes a virtue of his ambition? Will it arrest the hand of the infuriate wretch, who, at a single blow, is about to gratify the strongest passion of his soul in the destruction of his deadly enemy? Will it turn aside the purpose of the secret assassin, who meditates the removal of the only obstacle to his enjoyment of wealth and honors? Will it master the strongest passion and counteract the most powerful motives, while it is too weak to prevent the indulgence of the slightest criminal inclination? If this be true, it must be confessed that it presents a paradox, which will be found more difficult to solve when we reflect that great crimes are, for the most part, com-

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mitted by men, whose long habits of guilt have familiarized them to the idea of death, or to whom strong passions or natural courage have rendered it in some measure indifferent; and that the cowardly poisoner or assassin always thinks that he has taken such precautions as will prevent any risk of discovery. The fear of death, therefore, will rarely deter from the commission of great crimes. It is, on the contrary, a remedy peculiarly inapplicable to those offences. Ambition, which usually inspires the crime of treason, soars above the fear of death; avarice, which whispers the secret murder, creeps below it; * * * * threats of death will never deter men, who are actuated by these passions; many of them affront it in the very commission of the offence, and therefore readily incur the lesser risk of suffering it in what they think the impossible event of detection. But present other consequences more directly opposed to the enjoyments which were anticipated in the commission of the crime, make those consequences permanent and certain, and then, although milder, they will be less readily risked than the momentary pang attending the loss of life. Study the passions, which first suggested the offence, and apply your punishment to mortify and counteract them. The ambitious man cannot bear the ordinary restraints of government,—subject him to those of a prison; he could not endure the superiority of the most dignified magistrate, —force him to submit to the lowest officer of executive justice; he sought by his crimes a superiority above all that was most respectable in society,—reduce him in his punishment to a level with the most vile and abject of mankind. If avarice suggested the murder, separate the wretch forever from his hoard; realize the fable of antiquity; sentence him, from his place of penitence and punishment, to see his heirs rioting on his spoils; and the corroding reflection that others are innocently enjoying the fruits of his crime will be as appropriate a punishment in practical, as it was feigned to be in poetical justice. The rapacious spendthrift robs to support his extravagance, and murders to avoid detection; he exposes his life, that he may either pass it in idleness, debauchery, and sensual enjoyments, or lose it by a momentary pang;—disappoint his profligate calculation; force him to live, but to live under those privations, which he fears more than death; let him be reduced to the coarse diet, the hard lodging, and the incessant labor of a penitentiary.' pp. 51—55.

After remarking on the importance of adopting some system of punishment capable of reforming the delinquent and of affording room for correcting a false judgment, both of which are precluded by taking away the convict's life, our author

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proceeds to consider the influence of the example of capital executions on society at large, in these words:

'Another consequence of the infliction of death is, that if frequent it loses its effect; the people become too much familiarized with it to consider it as an example; it is changed into a spectacle, which must frequently be repeated to satisfy the ferocious taste it has formed. * * * * Human sufferings are never beheld for the first time but with aversion, terror, and disgust. Nature has strongly implanted this repugnance on our minds, for the wisest purposes; but this once conquered, it happens in the intellectual taste as it does in that of the senses; in relation to which last it is observed, that we become most fond of those enjoyments, which required, in the beginning, some effort to overcome the disgust produced by their first use; and that our attachment to them is in proportion to the difficulty which was conquered in becoming familiarized to them. Whatever may be the cause of this striking fact in the history of the human mind, its effects ought to be studied by the legislator, who desires to form a wise and permanent system. If the sight of one capital execution creates an inhuman taste to behold another; if a curiosity, satisfied at first with terror, increases with its gratification, and becomes a passion by indulgence, we ought to be extremely careful how, by sanctioning the frequency of capital punishments, we lay the foundation for a depravity the more to be dreaded, because, in our government, popular opinion must have the greatest influence on all its departments, and this vitiated taste would soon be discovered in the decisions of our courts and the verdicts of our juries.

But if this punishment be kept for great occasions, and the people are seldom treated with the gratification of seeing one of their fellow-creatures expire by the sentence of the law, a most singular effect is produced; the sufferer, whatever be his crime, becomes a hero or a saint; he is the object of public attention, curiosity, admiration, and pity. Charity supplies all his wants, and religion proves her power by exhibiting the outcast and murderer, though unworthy to enjoy existence upon earth, yet purified from the stain of his vices and crimes, converted by her agency into an accepted candidate for the happiness of heaven. He is lifted above the fear of death by the exhortations and prayers of the pious; the converted sinner receives the tender attentions of respectability, beauty, and worth; his prison becomes a place of pilgrimage,—its tenant, a saint awaiting the crown of martyrdom; his last looks are watched with affectionate solicitude; his last words are carefully remembered and recorded; his last agonies are beheld with affliction and despair; and after suffering the ignomin-

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ious sentence of the law, the body of the culprit, whose death was infamy and whose life was crime, is attended respectfully and mournfully to the grave by a train that would not have disgraced the obsequies of a patriot or a hero. This sketch, though highly colored, is drawn to the life; the inhabitants of one of the most refined and wealthy of our state capitals sat for the picture; and although such exalted feelings are not always excited, or are prudently repressed, yet they are found in nature; and in whatever degree they exist, it cannot be doubted that in the same proportion they counteract every good effect, that punishment is intended to produce. The hero of such a tragedy can never consider himself as the actor of a mean or ignoble part; nor can the people view, in the object of their admiration or pity, a murderer and a robber, whom they would have regarded with horror, if their feelings had not been injudiciously enlisted in his favor. Thus the end of the law is defeated, the force of example is totally lost, and the place of execution is converted into a scene of triumph for the sufferer, whose crime is wholly forgotten, while his courage, resignation, or piety marks him as the martyr, not the guilty victim of the laws.' pp. 59—63.

Our author next goes into a variety of considerations in support of his views, all tending to show that the infliction of death at any time as a punishment is unnecessary, impolitic, unjust and hurtful to the good order of society. He concedes, however, and we think wisely, that governments have an undoubted right to inflict it, provided it can be proved necessary to the preservation of public and private peace. There is little use in the distinction of Beccaria on this subject. This eloquent and ingenious apostle of the cause of humanity distinguishes, it is well known, the right of governments, which he defines to be the sum of the smallest portions of the private liberty of each citizen, (*una somma di minime porzioni della privata libertà di ciascuno*)—from the power, which grows out of the supreme law of the safety of the people (*la suprema legge della salvezza del popolo.*) Now this distinction, as its author understood it, however unsound, is a perfectly innocent one, because, although he denies the right of a state to inflict death as a punishment, yet he grants the existence of the power, wherever its exercise can be proved useful and necessary, and therefore leaves the argument just where it would have been without the distinction.* But his disciples by los-

* De' Delitti e delle Pene, c. 28. See also Beccaria's Risposta ad uno

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ing sight of the true grounds of the distinction, have strangely misapplied it, in maintaining that capital punishments ought to be abolished for the mere reason that the right to kill cannot, as they say, have been comprehended among the rights surrendered in the social compact. The only intelligible and defensible notion of political right is, that a state has a right to do whatever, on the whole, the best interest of the community requires. It is idle to set about establishing any distinctions in political science, which do not lead to some valuable practical result. Let the advocates of capital punishments prove their utility clearly; this is all we ask of them; and when this is done, we will not merely concede that it is the right of governments to take away life, but we shall maintain it to be their duty.

Mr Livingston concludes his argument by refuting, with much more eloquence than they deserved to have bestowed upon them, the reasons usually urged in favor of capital punishment independent of the question as to the force of its example. The Jewish laws, which the mild spirit of the Gospel has long ago stripped of their authority as positive institutions, —the practice of most nations from the remotest antiquity, which might, with equal justice, be alleged in vindication of all the worst abuses in government and all the weakest and vil-

Scritto che s'intitola Note ed Osservazioni sul libro de' Delitti e delle Pene, pp. 84, 97, where the author explains his sentiments on this point more fully than he did in his first work.—The spirit of the Note ed Osservazioni may be judged of by reading a single sentence. 'Quasi tutto quello,' it says, 'che avanza il nostro autore in questo suo libro, non è appoggiato che su *i due falsi ed assurdi principj, che tutti gli uomini nascano liberi* e siano naturalmente uguali, *e che le leggi non sono nè debbono esser altro che patti liberi di tali uomini*, fatti nell' atto che, per motivo di metter la propria vita in maggior sicurezza, si uniscono in società.' p. 248.—This book, which rings all the changes upon the now exploded prejudices of the last century, shows with what kind of reception the plainest maxims of civil liberty were then apt to be greeted in Italy. How revolting to see the rack and the gibbet elaborately defended in Italy, and in the precincts of imperial Rome, who, during two hundred and fifty years of her greatest glory, when her magistrates and nobles were coming or had come to be princes of the earth by the mere force of their private virtues and public patriotism, would not suffer the infliction of the punishment of death on a citizen, ('non crudelis, sed aliena a republica,' Sallust. Bell. Catilin. c 51);—Rome, within whose walls the great orator declared the sight, the very mention of a gibbet unworthy of a freeman and a Roman! ('Carnifex vero, et obductio capitis, et nomen ipsum crucis, absit *non modo a corpore civium Romanorum, sed etiam a cogitatione, oculis*, auribus: harum enim omnium rerum, non solum eventus atque perpessio, sed etiam conditio, expectatio, mentio ipsa denique, indigna cive Romano atque homine libero est.' Ciceron. Orat. pro C. Rabirio, c. 5.)

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est prejudices in the whole category of human error,—and the danger of innovation in an age and a country, which owe whatever is most admirable in science or the arts and in social condition to the irrepressible workings of the genius of improvement, objections such as these to abolishing the punishment of death have but a poor chance of success in America. What then are the substitutes proposed to supply the place of the old system of punishment discarded as so objectionable? They are:

'Pecuniary fines.—Degradation from office.—Simple imprisonment.—Temporary suspension of civil rights.—Permanent deprivation of civil rights.—Imprisonment at hard labor.—Solitary confinement during certain intervals of the time of imprisonment to be determined in the sentence.

The advantage of this scale of punishment is, that it is divisible almost to infinity; that there is no offence, however slight, for which it does not afford an appropriate corrective; and none, however atrocious, for which, by cumulating its different degrees, an adequate punishment cannot be found." p. 83.

We have followed Mr Livingston so closely thus far, that, for what remains of his code, where there is less of novelty and more of the uncontested principles of law, we content ourselves with referring to the pages of the Report. We have been attracted to the discussion of the subject by the consideration that even at this day, widely and profoundly as the researches of philosophers have been pushed, there is still much to learn of a subject, which embraces the entire range of man's actions, his physical and moral constitution, habits, feelings, propensities, destiny;—which ascends to the palaces of the rich and powerful, but disdains not to search the cottage of the meanest villager, in quest of useful illustrations;—which lays bare alike the heart of the prince and the peasant, the weak and the mighty, to scrutinize the inmost recesses of the human breast, and view there, undisguised, the passions, the master-springs, that move the vast machinery of the world;—which is of the most deep and vital interest to society, inasmuch as it involves the great question of the preservation of social tranquillity, security, and order, and of the moral discipline of the whole human race. Nor is it the intricacy of the subject alone, that renders it inexhaustible. Where truths in the science of remedial law are so clearly demonstrated as to

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be fundamental axioms, still the improvements, which they dictate, remain to be adopted, and men yet obstinately and pertinaciously cling to their inveterate prejudices. The names of two hundred capital offences continue recorded in the statute-book of England. In that country, ministerial influence has not yet ceased to elude, nor ministerial sophistry ceased to resist, the repeal of laws the most absurd in principle, the most pernicious in operation.* But in America, all the most odious features in the penal laws of our father-land, with but few exceptions, have yielded themselves up, and what remains cannot long maintain itself in opposition to the healthful influences of the young Spirit of Freedom. Our emancipation from the tyranny of the feudal institutions is fast approaching its full accomplishment. And Mr Livingston's code, although confined in the immediate sphere of its operation to Louisiana, will sensibly contribute, we doubt not, to the diffusion of an unexceptionably liberal system of criminal law throughout the United States.

ART. XIII.—*Friedrich von Schiller's Gedichte.—Schiller's Minor Poems.*

THE genius of Schiller never appears more pleasing or more admirable, than in his minor poems. While the enthusiasm of his own character is very happily expressed in them, and the reflections of a vigorous and well educated mind are joined to the most various kinds of poetic invention, his language is uniformly pure and his style exquisitely finished. We have the elevated sentiments of a poet, conveyed with careful elegance in the most beautiful measures of which the copious German dialect admits, and his pieces are uniformly remarkable for the charm of their numbers and diction. In poetry so much depends on the choice of words, that this alone would ensure him a high reputation. But it is the least praise of Schiller. He is no less distinguished for his genius and the purity of his taste, than for the perfection of his style. In the early part of his literary career, his works were the productions of a mind, which seemed always in a state of excitement. They possess all the vehemence of passionate description, but in his

* Debate in the House of Commons, May 21, 1823.

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moral speculations there is nothing of the tranquillity, which belongs to a mind already conversant with those subjects. They give proofs of a constant fever of imagination, of restlessness and anxiety in their author. These first fruits of his genius are rather to be taken as early indications of his extraordinary powers, than as finished specimens of them. But even while his mind was in this unsettled state, Schiller never inclined to the demoralizing principles, which distinguished many of his poetical contemporaries. He was naturally enthusiastic and noble; he believed in virtue and the excellence of human nature, and had an abhorrence of that scepticism, which represents disinterestedness as nowhere existing. He preserves the purest character throughout all his writings, and although one or two small pieces have some allusions which are not altogether free from coarseness, he is never licentious; and all his works show him to have been full of reverence for the sanctity of religion and the domestic affections.

This is no small praise in a poet, who was almost contemporary with Wieland and Voltaire, and who lived in a period, when unexampled popularity was obtained by writers who knew how to join licentiousness and profaneness to wit. But his reputation has been far from suffering from the elevated character of his style and sentiments. There is no lasting poetical fame, except where the eloquence of virtue is united to the inspiration of poetry; and it is hardly less pleasing in point of morals than of good taste to find that, while most of the corrupting writers of his time are forgotten, Schiller is becoming more and more popular; and is hardly less admired at Milan and at Paris, than at Berlin and Weimar.

Schiller belonged to that class of men, who are willing to admire wherever any distinguished virtue is exhibited; and he was far from desiring to take from the great names of antiquity the veneration, with which mankind has been accustomed to regard them. Although his works are full of passages in which he complains of the little sympathy he could find in others, he never despaired of human nature.

The character and feelings of Schiller as an individual appear throughout his poetry. Every sentiment seems to derive its peculiar cast from his own mind, just as certain plants take the color of their leaves from the soil in which they grow. In this he differs remarkably from the poet, who disputes with

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him the admiration of his country. Goethe reflects in his poems the feelings of others; Schiller felt deeply himself, and knew how to embody his feelings in verse. In whatever age or country Goethe places his invention, he instantly adapts himself to its manners and tone; Schiller always preserves under all changes of scene the peculiar characteristics of his own mind. The person of Goethe is never seen through his verse; that of Schiller presents itself constantly. It is the German poet in Spain, in Switzerland, in France; seizing on all opportunities of paying tribute to excellence, truth, and liberty. We may learn from Goethe what the world is; but Schiller teaches us what it should be.

That Schiller was a diligent admirer of Virgil, is evident from the general character of his poetry; we have also two books of the Æneid translated by him. The translation is a free one, made in stanzas of eight verses. The Germans, like the Italians, have no fondness for long poems in the measure which we call heroic, and instead of it they adopt either the ancient hexameter, or some one of the favorite Italian stanzas.

We have said that Schiller in the early part of his life possessed too little calmness for successful efforts in poetry. With his riper age, his feelings and the character of his productions were changed. He explains that change in the following verses.

THE IDEAL.

And wilt thou, fond deceiver, leave me,
With scenes that smiled in fancy's eye,
With all, that once could glad or grieve me,
With all inexorably fly?
Can nought delay thy rapid motion?
Can nought life's golden season save?
'Tis vain; eternity's vast ocean
Receives the streamlet's hastening wave.

The dazzling light has long been spent,
Which round the paths of childhood shone;
The chains of fancy all are rent,
And all her fair creations flown.
The pleasing faith has passed away
In beings, which my visions bore;
Reality has made its prey
Of what seemed beautiful before.

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As once with vehement desire
Pygmalion held in warm embrace
The statue, till sensation's fire
Glowed in the marble's kindling face;
I threw the arms of youthful love
Round nature, till I too was blest,
Till she began to breathe, to move,
To live on my poetic breast.

The world awakening shared my bliss;
For me the dumb possessed a voice,
Learned to return me love's warm kiss,
Feel my heart's music, and rejoice.
Then lived to me the tree, the rose;
Then sang the fountain's silver fall;
And things, that spiritless repose,
Echoed with joy my spirit's call.

Itself a world, the narrow breast
Aspired with strong, resistless force,
To act and speak, and onward prest
To join in life's exciting course.
While in the bud it lay concealed,
The world appeared a boundless scene;
What have the opening leaves revealed?
How little! and that little mean!

By daring mind endued with wings,
Blest by his visions false but gay,
Untamed by anxious care, how springs
The youth along existence' way!
There's nought so lofty, nought so far,
To which his wishes may not rise;
E'en to the heaven's remotest star,
On wings of bold design he flies.

How swiftly was I borne along!
And happy feared nor toil nor care!
And still with winning grace the throng
Before me danced of forms of air;
Love with sweet looks that ne'er could frown;
Joy with his golden garlands bright;
Glory adorned with starry crown;
And Truth, that blazed in solar light.

But ah! how soon these guardians flew
Far from my side, ere life's mid-day;
The airy band became untrue,
And one by one they passed away.

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His rapid pinions Joy extended;
The wells of Knowledge still were dry;
Doubt's heavy clouds round Truth ascended,
And hid her light from mortal eye.

I saw, too, Glory's holy flowers
Round common brows profanely twined;
And, Love, how swiftly flew thy hours!
How soon I left thy spring behind!
Still and more still the scene became;
More lonely seemed the rugged way;
And dying hope a pallid flame
Scarce threw across the darksome way.

Of all that gay and noisy crowd
Will none with faithful fondness wait,
To raise me when by sorrow bowed,
And follow me to death's dark gate?
O Friendship! thou my age shalt brighten,
Thou, who dost heal our every wound,
With love the toils of life dost lighten,
Thou, whom I early sought and found.

And thou, whose spell like hers can charm
The spirit's storms, beloved Employ;
Thou, who with strong, unwearied arm,
Dost slowly raise, but ne'er destroy;
The building of eternity
Thy hand with patient toil uprears,
And pays the debt before we die,
Of minutes, seasons, days, and years.

In his critical opinions on subjects connected with poetry, Schiller shares the free spirit of his literary countrymen. The rules of the French drama were insupportable to him, and when Goethe prepared the Mahomet of Voltaire for the German stage, Schiller expostulated with him, 'that he, who was already crowned as the priest of the tragic art, should sacrifice on the broken altars of a foreign muse.'—'The genius of the German has dared of itself to enter into the sanctuary of the arts, and has advanced in the footsteps of the Greeks and the English.'—'Poetic excellence can be created by no Louis; it borrows nothing from earthly majesty; it allies itself with nothing but truth.'

It is indeed one of the most distinguishing features in the history of modern German literature, that the greatest efforts

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have been made by persons of the inferior classes of society, and that they have received little support from their princes and little patronage from the nobles. 'No Augustan age,' says Schiller, 'bloomed for the German Muse; the kindness of no prince, like the Medici, smiled on her; she was not fostered by fame; nor did she unfold herself in the beams of royal favor. From the greatest of German heroes, from the throne of Frederic the Great, she withdrew without protection and without honor. The German may say with pride, that he has himself created his own merit. And hence the poetry of German bards rises in a bolder arch, and pours with a more copious stream.'

To his national feelings Schiller unites a tinge of melancholy. He was fond of philosophy, and, though he never pursued those studies with method, he was accustomed to speculate boldly on the duties and destiny of man. He seems to have had in his own mind an image of moral and mental greatness, and he strove to realize that image in the world. He was of course disappointed; but, far from abusing his fellow-men for their want of the virtues which he believed essential to the dignity of our nature, he looks forward the more earnestly for better days.

HOPE.

Man loves of improvement to talk and to dream,
That may bless some future race;
He aims at success, and its golden beam
He pursues in restless chase.
The world grows old, and grows young again,
But the hopes of improvement forever remain.

'Tis by hope that man into life is led;
She flutters round boyhood's bloom;
O'er youth her brilliant enchantments are spread;
She sleeps not with age in the tomb.
Life's weary labors are closed in the grave;
But o'er it the branches of hope greenly wave.

'Tis not a vain fancy from folly that came,
And flatters to cheat the mind,
How deeply each bosom its truth can proclaim,
'For improvement is man designed.'
And ne'er does the voice from within us deceive
The spirits that hope, or the hearts that believe.

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The personification of nature is common to all great poets. The works of Scott, and still more of Byron, abound in them. It forms one of the charms of oriental literature, and when it is not carried so far as to seem insincere, its effect is always pleasing. In Schiller it is united with depth and vigor of conception; but some of the inferior poets have almost no other inspiration. Descriptive poetry, under its best forms, is not of the highest order; it is a greater effort to unfold the passions, than to sketch a landscape, and we are soon tired of the most highly wrought pictures of natural scenery, unless there is some Rinaldo in peril, or Erminia in need of seclusion and shelter. Some have endeavored to compensate for the lifelessness of description by supposing the plants possessed of thought and language, and relating their loves and jealousies. Though this may be exceedingly pretty in a short poetical composition, yet when extended through a long poem it is necessarily dull.

The fondness of Schiller for nature is of a higher kind. He seems to have regarded her as a companion, that suited the pensive character of his mind and encouraged in him his favorite reflections. This is seen in no poem more remarkably than in the classic elegy, 'The Walk,' a piece of about two hundred lines; in which the poet gives way to the contemplative mood, occasioned by a solitary excursion. He passes through the meadows and woods, and his soul opens to the loveliness of the landscape. The tranquillity of country life is contrasted with the bustle of the distant city; the prospect of which excites reflections on social union, the progress of the arts, the prosperity, revolutions, and ruin of states, the perpetual change of the governments of men; while nature, in unchanging beauty, remains true to her ancient law, extending the same azure above, the same verdure beneath the nearest and the remotest generations, and the sun of Homer smiles now on us.

Schiller was a lover of the antique. In one of his tragedies, which is full of lyric beauties, he has attempted to revive the ancient chorus; but he is much more successful in imitating the tone and feelings of the ancients in some of his smaller poems. The nuptials of a daughter of Priam are celebrated with royal pomp; 'Cassandra' rushes from the assembly, for her prophetic eye has already had a vision of the

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impending ruin of her country, and all the horrors which her father's family were to undergo. In 'The Triumphal Banquet,' after Troy had been taken, the Grecian heroes pledge each other at the board, heedless of the dangers and wretchedness, which awaited many of them on their return. This short poem possesses high tragic interest, for Schiller very ingeniously intersperses in their conversation those moral reflections, which may remind the reader of their melancholy end. There is more richness of imagination and glow of language in 'The Eleusinian Feast,' in which the influence of the gift of Ceres on human society is magnificently described with all the life and beauty of ancient mythology; and in 'The Gods of Greece,' he explains the influence of that mythology on the imagination, and the cheerful character of that religion, according to which, 'a kiss took away the last breath of life; a Genius inverted his torch; the child of a mortal held the balances at the entrance of Orcus, and the furies themselves relented at the pathetic complaint of the Thracian.'

There is another poem, less celebrated than the 'Eleusinian Feast,' entitled 'The Complaint of Ceres,' in which the goddess gives way to her anguish, on finding that her search for her daughter has been ineffectual.

THE COMPLAINT OF CERES.

Gentle Spring is reappearing;
To the earth new charms are lent;
Hills their robes of green are wearing;
Winter's icy chain is rent;
Cloudless ether smiling glasses
Brilliant azure in the flood;
Airy Zephyr mildly passes;
Every twig puts forth its bud.
In the grove awakes the strain;
But the wood-nymph bids me mourn,
Crying, 'Flowers return again,
Hope not for thy child's return.'

Ah! how long, how long I wend
O'er the earth, and search in vain;
Titan, all thy beams I send,
Tidings of her fate to gain;
No one yet could aught disclose
Of the face I love so well;
Day, which all things earthly knows,
Of the lost one nought can tell.

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From my side, Jove, hast thou torn her?
Or hath, by her beauty won,
Direful Pluto downward borne her,
Where hell's rivers darkly run?

Who will to the darksome strand
Message of my anguish bear?
Charon's bark still leaves the land;
None but shadows enter there.
Heavenly eyes can ne'er behold
Lands, where rules eternal night;
Long as Styx his waves has rolled,
Have they borne no living wight.
Downwards thousand pathways go;
Ah! no path conducts on high;
No one brings a daughter's wo
To a troubled mother's eye.

Mothers, born of Pyrrha's race,
Ye, who breathe life's transient breath,
Ye regain a child's embrace,
Following through the flames of death;
They who dwell near Jove his throne,
Ne'er approach the darker strand;
Deathly fates! the gods alone
Fall not by your dreaded hand.
Hurl me into night of nights
From the golden halls of day;
Heed no more the goddess' rights;
Ah! the mother's torment they.

Where she sits in joyless sheen
At her dismal spouse's side,
Thither gently to the queen,
With the shades, O might I glide!
See! her eyes, all wet with tears,
Towards the light in vain are rolled;
Wandering seek the distant spheres,
Fail her mother to behold;
Till delight her form revealing,
Breast to breast we warmly press;
And e'en Orcus, wakes to feeling,
Sheds the tear of tenderness.

Vain desire! O fond lament!
Days in equal circles move,
Calmly on their courses bent;
Changeless stands the will of Jove.

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He, from lands of gloomy fright
Turns away his blissful head.
Once if snatched to realms of night,
For eternity she's fled,
Till the streams, which darkly swell,
With Aurora's tints shall glow,
And amidst the gloom of hell
Iris spread her beauteous bow.

And remain no marks of love,
Of the past no soothing signs?
No reminding pledge to prove,
Fondness still the parted joins?
Can no more affection's thread
Daughter to the mother tie?
Nought the living to the dead
Still in closest league ally?
No! she is not wholly lost;
No! we are not all bereft;
Kindly hath the heavenly host
Still a mutual language left.

When the Spring's fair children die,
At the North's destroying breath
Leaf and flower all withered lie,
Mournful stands the naked heath;
Then of veriest life I'll take
From Vertumnus' copious horn,
Offering to the Stygian lake
Life's quick seeds, the golden corn.
These in sadness I'll inter,
On my daughter's heart to lie;
Thus be found a messenger
Of my love and misery.

When in even dance the hours
Gladsome lead the springtide on,
Will the dead gain quickening powers
From the life-inspiring sun.
Germs, which in the lap of earth
Lifeless seemed to human view,
Wrestle till they burst to birth,
In the realms of varied hue.
Whilst the branches soar in air,
Seek the timid roots the night;
To sustain it vie in care
Styx's and the ether's might.

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Half in death's dark land they sink,
Half in that of life appear,
Heralds from the Stygian brink,
Sweet the voice, they upward bear.
Hell may round my daughter fling
Floods unpassed and gloomy air;
In the tender shoots of spring
Still her own dear lips declare,
That though far from day's glad heat,
Where the shadows mournful go,
Still her heart can warmly beat,
Still her breast with fondness glow.

Then let's bring our thanks to you,
Children, that on meadows blow;
With the nectar's purest dew
Shall your chalice overflow.
All in light your flowers I'll dip.
With the rainbow's fairest ray
Will I paint each leafy lip,
Like the face of rising day.
Then in springtide's cheerful glory,
And in withering autumn's sadness,
Feeling hearts may read the story
Of my anguish and my gladness.

In the choice of his subjects Schiller was bold and poetical. At a time, when the maid of Orleans had become associated with licentious wit and ridicule, Schiller ventured to vindicate her character, and redeemed her name from the degradation, not to say infamy, into which it had sunk, in the hands of her countryman. There is one subject, which is, we believe, entirely of Schiller's invention; 'The song of the bell; vivos voco, mortuos plango, fulgura frango.' Workmen, who are casting a bell, describe all the events, which are solemnized by its voice; the morning of birth; the wedding-day; fires and funerals; the hour of vespers, when it is the signal of repose and domestic quiet; times of danger and alarm; wars and seditions. The bell which they are making they name Concordia, and raise it up, that 'high above earthly life, it may swing in the azure tent of heaven, be the neighbor of the thunder, and become a voice from above, like the bright host of the stars.' This poem addresses itself to all that is gentle and good in our natures; it is rapid, eloquent,

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and beautiful; it is finished with consummate care, and its measure, varying with the sentiment, is always harmonious and expressive. It has lately been translated by Lord Gower.

The Germans have ever been celebrated for their ballads. The 'Leonora' and 'Wild Huntsman' of Bürger are familiar to the lovers of translated verse; and a translation of Goethe's 'Erl king' was, we believe, one of the earliest efforts of Sir Walter Scott. The ballads of Schiller are more pleasing than those of Bürger and Goethe. They are almost always of a cheerful character; but where they are sad, they have the sadness of sentiment and not of horrors. 'Fridolin' is of all his ballads the simplest in point of story and manner, and we pray our readers' favor for the version, which we attempt for their amusement.

FRIDOLIN, OR THE JOURNEY TO THE FORGE.

I.

A guileless page was Fridolin,
As from my tale ye'll learn;
He served with heart, that knew no sin,
The Countess of Savern.
She was all gentleness to him;
But any wish of hers, or whim,
The wayward bent of woman's will,
He would have hastened to fulfil.

II.

From morning's dawn, when day first shone,
Till evening's twilight died,
He lived for her commands alone,
Yet ne'er was satisfied.
And said the lady 'Toil no more,'
His glistening eye with tears ran o'er;
And ne'er from labour would he rest,
Till weariness his limbs opprest.

III.

And hence above the servant crowd,
She loved the youth to raise,
And from her beauteous lips there flowed
Incessantly his praise.
Nor of her servants seemed he one;
Her heart esteemed him as a son;
And oft her eye reposed with joy
On the sweet features of the boy.

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IV

For this there rose in Robert's breast,
The huntsman, deadly hate;
His envious bosom never ceased
With malice to dilate.
And to the count, whose honest heart
Was open to the traitor's art,
And light would kindle, he drew nigh,
To plant the seeds of jealousy.

V.

And thus with cunning words he spake.
'O count, I deem you blest;
No jealous doubts your slumbers break,
Nor haunt your golden rest.
For you so chaste a spouse possess!
Discretion guards her loveliness;
And all the wiles of wooing youth
Were vain against her virtue's truth.'

VI.

At this the count with frowning brow
Exclaimed—'What say'st thou, knave?
I build no trust on woman's vow,
Unstable as the wave.
But though vain words their hearts allure,
My lady's troth I hold secure;
Love's eye on her none dare to turn,
Or woo the spouse of Count Savern.'—

VII.

The wily keeper speaks—''Tis clear,
Contempt the fool deserves,
Who, born to serve thee and to fear,
Thus from his duty swerves,
And to the lady he obeys,
An eye of longing dares to raise.'
Trembling with wrath, the count replies,
'The villain, that hath dared it, dies.'—

VIII.

'And can it be? the public tale
To thee hath ne'er been told?
Yet what my Lord desires to veil,
My lips shall ne'er unfold.'—
'Speak, wretch, or die; what hast thou seen?'
Exclaims the count with threatening mien,
'Who hopes her favor to engage?'—
'I speak, sire, of the fair-haired page.

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IX.

The stripling hath a pleasing form.'
Thus he deceives his lord,
Whose blood by turns ran cold and warm,
And thrilled at every word.
'And have you truly never known,
That he hath eyes for her alone,
Of you at table hath no care,
But languishes behind her chair?

X.

And in these verses is confessed
His passion's bold desire'—
'Confessed!'—'He hath the countess pressed
To love with equal fire.
The lady is discreet and good,
She feared for him your angry mood;
'Twere useless to repeat the tale;
For what to you could that avail?'

XI.

At this the Count grew wroth, and rode
To where a forest rose,
And fires in many a furnace glowed;
There melted iron flows;
Early and late with zealous speed
The glaring flames his servants feed;
The sparks ascend; the bellows play;
As though the rocks would melt away.

XII.

There might you see their wondrous force
Both fire and water blend;
To urge the wheel's revolving course
Their power the torrents lend;
The works keep up their ceaseless chime;
The heavy hammers strike in time;
And e'en the iron pliant grows,
Subdued and shaped by mighty blows.

XIII.

And at their master's beck there come
Two servants from their task;—
'The first, whom I shall send from home
To greet you, and to ask
If ye've obeyed your master well,
Him seize, and throw in yonder hell;
The flaming furnace be his grave;
I would not see again the slave.'

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XIV.

Infernal joy the demons feel,
To hear that dark behest;
For hardened were their hearts like steel;
No mercy touched their breast.
Aloft the smoking pile they raise;
The flames ascend with crackling blaze;
They thirst for crime, and long to slay,
With murderous will, their destined prey.

XV.

And Robert then his comrade calls,
Who nought of malice knew;
'Now haste thee to our master's halls;
He needs thy service true.'
The count he spake to Fridolin,
'Straight wend to where my forge's din
Is heard; and of my slaves inquire,
If they've fulfilled their lord's desire.'—

XVI.

''Tis mine,' he answers, 'to obey,'
And soon prepares to go;
Then paused—'Perchance my mistress may
Have duties for me too.'
Before the Countess soon he bows;
'Forth to the forge thy servant goes;
Thine is my duty; lady, say,
Thee can I serve upon the way?'

XVII.

Thereat the Countess called him near,
And spake with gentle tone;
'The holy mass I long to hear;
But sickness wastes my son.
Go then, my child, and on the way
For me in still devotion pray;
With penitence thy sins efface;
And then for me entreat heaven's grace.'

XVIII.

The sacred charge was doubly sweet;
He rose and journeyed fast;
Yet through the neighboring village street
He had not fairly passed,
When on his ear distinctly fell
The sacred curfew's mellow peal,
Which summons sinners to repent,
And taste the holy sacrament.

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XIX.

'To fly from God were surely sin
When in the road we meet.'*
He sees the church, and enters in,
Yet hears few coming feet;
For 'twas the harvest-tide, and then
Its toil detained the husbandmen;
None came the sacred hymns to sing,
Or chant the mass, or censer swing.

XX.

At once the page resolves to stay
And serve as sacristan;
'Sure this,' thought he, 'is no delay;
First serve the Lord, then man.'
The belt and stole, which priests should wear,
He hangs upon the priest with care;
The burnished cups he next displays,
Preserved for use on holy days.

XXI.

When this with cautious hand was done,
Before the priest he stands;
Devoutly to the shrine moves on,
The mass-book in his hands.
And to the right and left he wheels,
And at the signal meekly kneels;
And when the words of 'Sanctus' came,
His bell thrice tinkled at the name.

XXII.

And when the priest with reverence bowed,
And knelt before the shrine;
And high, with hands uplifted, showed
The Eucharist divine;
The sacristan, observing well,
Rings loudly with his little bell;
All cross their brows, their bosoms beat,
And Christ the Saviour kneeling greet.

XXIII.

Thus careful he performed each part
With readiness and skill;
He knew the sacred rites by heart,
And served with cheerful will;
Served till the close unwearied thus;
Till with 'Vobiscum Dominus'

* The Eucharist is carried in procession; Fridolin meets it, and the lines of the ballad allude to the Roman Catholic belief respecting its nature.

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The priest before the people bends,
The holy service blessing ends.

XXIV.

Then where the priests their vessels kept,
The sacred gear he laid;
With busy hand the church he swept;
This done, no longer stayed;
But now, with conscience in repose,
Straight to the forge with speed he goes;
And yet his heart still bids him say
Twelve Pater-Nosters by the way.

XXV.

And as he sees the curling flames,
And near the workmen stand,
'Have ye obeyed,' the youth exclaims,
'Our master's strict command?'
The hateful demons grin at this,
And pointing to the hot abyss,
'We merit trust, the Count will own,
For nothing's left of flesh or bone.'

XXVI.

And swift the nearest pathway home
The page returning took;
But as his master saw him come,
He gazed with doubting look.
'Whence com'st thou, wretch? I fain would know.'—
'I come from yonder forge.'—'Not so;
Or hast thou loitered by the way?'—
'My lord, I tarried but to pray.

XXVII.

As from thy face my steps I bent
This very morn, forgive,
To ask my duty first I went
To her, for whom I live.
"Go, hear the mass," my lady said;
Her words I willingly obeyed;
And thrice my sacred beads went through
For her salvation and for you.'

XXVIII.

The Count was wrapt in deep amaze,
And horror o'er him fell;
'What answer, where the forges blaze,
Was made thee? Quickly tell.'—

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'They pointed to the curling smoke,
And darkly thus the ruffians spoke;
"We merit trust, the Count will own,
For nothing's left of flesh or bone."'

XXIX.

'And Robert?' quick with curdling blood
The Count impatient cried;
'This morn I sent him to the wood;
Hast thou his track espied?'—
'In field and forest, sire, I've been,
But Robert's footsteps have not seen.'—
'Now,' cries the Count, and looks aghast,
'Our God himself hath sentence passed.'

XXX.

The Count, unused to actions bland,
Beyond his wont grew kind;
And grasps his faithful servant's hand,
And hastes his spouse to find.
'I pray thy favor for this child;
No angel is so undefiled;
The traitor's malice is revealed;
God and his hosts the guiltless shield.'

Throughout the poetry of Schiller the chaste and delicate character of his mind is apparent. He was fond of purity and virtue, of studious retirement and domestic happiness. He has several little pieces, in which he elegantly expresses his admiration of woman, and his female characters are often invented with peculiar felicity. 'The Girl from abroad,' 'The Voice of a Spirit,' 'The Maiden's Complaint,' are three beautiful specimens of his manner in this department of poetry. He has contrasted in one of his poems the character and offices of woman and man. This piece is a favorite with all lovers of the German muse; but in attempting to translate lines on a subject, in which every man is too much interested to adopt without addition the sentiments of another, a literal version has seemed impossible, and nothing has been produced but a feeble imitation.

THE DIGNITY OF WOMAN.

Honour the fair; for of beauty the daughters
Light up the rainbow on life's stormy waters;
Roses from Paradise they intertwine
With the dark threads, which destiny's weaving;
Gladness to hearts that are lonely and grieving,
Beams from their eyes, bright with mildness divine.

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On the spirit's boldest pinion
Man through nature's circle floats,
Bows to passion's full dominion,
Loves her ever-varying notes;
On the distant hope he seizes,
Follows that, which gleams afar,
And the transient dream, that pleases,
Chases to the farthest star.

Woman with magical, eloquent glances
Calls back the wanderer that rashly advances,
Chaining affection to home's cheerful sphere;
Nature, his heart 'mid her children retaining,
Bids him, discarding his restless complaining,
Trust in their love, and find happiness here.

On desire's broad, boundless ocean
Man, the fugitive, is tost;
'Mid his bosom's wild commotion
All the softer joys are lost;
Soon destroying what he raises,
Never ends his passions' strife,
And the pile, when glory blazes,
Lights him through the vale of life.

Mild, and contented with tranquiller hours,
Woman delights in the moment's fair flowers,
Happy—for innocence always is gay;
Oft at the altar in purity kneeling,
Breathes she the prayer of devotion with feeling;
Angels, ye smile, as around her ye play.

Proudly on himself relying,
Dark his breast, his heart a waste,
All the threats of fate defying,
How shall man love's blessings taste?—
Joys of hearts with friendship glowing,
And the sweet exchange of souls,
Love's pure stream, that ever flowing
Tides of rich enjoyment rolls?

But as from Æolus' harp when 'tis shaken
By the light breeze, notes of harmony waken,
So beats the sensitive heart of the fair;
Love's holy plants in her breast gaily flourish;
Plants, which the regions of purity nourish;
Hallowed and blessed be the fruit that they bear.

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In the fields of honor roving,
Lost amid her dazzling ways,
Power and fame and splendor loving,
Man ambition's voice obeys;
And his heart is passion's dwelling,
Filled with wishes dark and wild;
Eris' hundred voices swelling
Rage, where Charis never smiled.

Spirits of war, to the fight fiercely rushing,
Woman disarms; every wind sweetly hushing,
Stills the worst waves of the stormiest sea.
Peace, canst thou find in the world's wide expansion
Rest for thy wings? Tell me where is thy mansion?
Daughter of innocence, where but with thee?

Schiller was happy in private life, and he deserved to be so. He gained also what to the poet is more desirable than private ease; he gained that which is the best inspiration of the bard, and the best reward of bravery,—that which made Hector valiant, and the Lacedemonians temperate,—that which best encourages eloquence and excites to mental labour,—the Praise of Woman. He is the great favorite of his fair countrywomen. To them he seems to appeal with a modest confidence in his own merit and the purity of his works. 'In the female forum,' says he, 'the judgment of individual actions may be wrong; the judgment of character never.' 'The opinion of man,' he expresses himself in a distich, 'is founded on reason, that of woman on her feelings; when she does not feel, woman has already passed sentence.' And when he takes leave of his reader, and modestly speaks of the nature of his poems and of whom he would gain the approbation, he says, 'The echo of them will be lost, when the season is gone by; the desire of the moment gave birth to them; they fly away in the light dance of the hours; only if they deserve a crown, may it be from the virtuous, from those to whom truth is pleasing, but for whom gaudiness has no charms; from those who possess hearts to discriminate and to cherish the beautiful.'

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ART. XIV.—*New Ideas on Population, with Remarks on the Theories of Malthus and Godwin, by Alexander H. Everett, Chargé d' Affaires of the United States of America at the Court of the Netherlands.* 8vo. London printed, Boston reprinted.

We cannot better introduce this essay to the notice of our readers, than by an extract from the preface:

'The following tract was prepared for publication, upon the continent, last winter. A reperusal of the essay of Mr Malthus on population, and some conversations, which I held at the time with a friend upon the subject of it, suggested to me certain views, which I thought new, and which are quite at variance, with the conclusions of that eminent philosopher. Without feeling any extraordinary confidence in my own ideas, especially where they differ from those of an author of great and just celebrity, whose theories have been sanctioned by the favorable opinion of many competent judges, I have nevertheless concluded to submit these views to the public. * * * * * *. Upon my arrival in London a few weeks since, for the purpose of superintending the impression of the work, I took an opportunity of mentioning the subject to my illustrious friend, Sir James Mackintosh, and of explaining to him the general scope of the argument. This great statesman and philosopher, whose name I feel it a high honor to be able to mention in connexion with my own, upon learning that the Essay, which I had prepared, was intended in part to correct the theory of Mr Malthus, kindly invited me to go down with him to the East India College, and converse with that gentleman on the subject. I accepted this proposal with much pleasure, as well from a natural desire to make the acquaintance of so eminent a writer, as from the reflection, that if I had accidentally taken up any misconception of his views, I should probably be able to rectify it by a free communication with him, upon the points in controversy. Had I found this to be the case, I was fully prepared to sacrifice my own ideas and to suppress the work.

'I had always been highly gratified with the candid and temperate tone, that distinguishes the writings of Mr Malthus, although I have not been so fortunate as to agree with him in his leading principles;—and I hope that I shall not be thought to pass the bounds of delicacy in adding, that I found his conversation the perfect counterpart of his works. I have rarely met with a finer specimen of the true philosophic temper, graced and set off by the urbanity of a finished gentleman, than is seen in his per-

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son. I feel myself greatly indebted to him for the very hospitable reception, which he was pleased to give me, and for the kindness and courtesy, with which he entered into all the explanations that I requested in regard to his opinions. I should pay him a very poor compliment, if I were to suppose it possible, that he could be offended by a free expression of opinions different from his own: and I trust that there is nothing in the tone and manner of the following tract, that will tend in the slightest degree to wound his feelings. * * * * *. It would be an unbecoming violation of the confidence of private intercourse to detail particularly the conversations, which I held with Mr Malthus on the subject of this essay: and it would also be useless for the present purpose, as very little if any thing was said on his part, that is not contained in his printed work, or on mine, that will not be found in the following tract. After a full and free discussion of all the points in dispute, I was satisfied that the difference of opinion between us did not arise from any misunderstanding on either side, but from a difference in our modes of considering the subject, resulting perhaps originally from accident, but confirmed by habit and not to be affected by a few conversations. I had therefore no reason to change my intention of publishing the present work.

'It was suggested to me by Mr Malthus, that the leading principle maintained in it is the same in substance with that of a work on Population by Mr S. Gray. I had never read the work of Mr Gray, and have not had an opportunity of consulting it since, for the purpose of comparing his ideas with mine. Should they be in fact the same, my views, though original, would not be entitled to the name I have given them of *new ideas*. Even in this case, however, as the work of Mr Gray does not seem to have made much impression upon public opinion, a republication of the same views, by a different hand, in a new form, might not be without its use. But I am inclined to think, from a hasty reference to some passages of his book at the house of Mr Malthus, and from the observations of that gentleman upon his principles, that he has not anticipated the theory of the present essay, in its most essential points.'

Not having ourselves had an opportunity of seeing the work of Mr S. Gray, we are unable to give an opinion, how far he has anticipated Mr Everett in the present case. But we find in the New Monthly Magazine for 1821, Vol. I. p. 195, an essay on the theories of Godwin and Malthus, where some of the leading points of Mr Everett's view of the subject are clearly stated. We perceive, however, from a comparison of

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his work with the essay in the magazine, that the coincidence is purely accidental, and affording therefore a strong presumption of the accuracy of the opinions, which have thus suggested themselves without communication to several independent thinkers and writers. We beg leave also to add that the same well written essay in the magazine, has cost us the pains of remoulding the observations, which we had prepared to offer our readers, on the subject of Mr Everett's work, part of which we found to have been anticipated, and part to require to be fortified against opposite statements by the ingenious writer of that article.

The very important subject of Population became matter of controversy, in the following manner, which we cannot better state than in the words of the writer in the New Monthly Magazine.

'Mr Malthus informs the public, in the preface to his *Essay on Population*, that that work was first suggested "by a paper in Mr Godwin's Political Inquirer." The paper to which Mr Malthus refers is, we believe, that entitled "of riches and poverty," in which Mr Godwin indulges in some speculations upon the accession of happiness, that would result to the human race, from an equal distribution of leisure and labor, or (which he regards as the same thing) of riches and poverty.

'For the purpose of showing, among other matters, that these speculations upon political systems, founded on the principle of equal property, were utterly vain, and that no society in which they were attempted to be realized could last a single generation, Mr Malthus was induced to write his "Essay on Population." The object of that work is to prove that there is a law of human nature, which Mr Malthus calls the principle of population, by which man multiplies his kind more rapidly than his subsistence; a law, to use Mr Malthus' own words, "by force of which, man has a tendency to increase in a geometrical progression, whereas his subsistence can only be increased in a concurrent arithmetical progression."'

It was by this course of argument, that Mr Malthus met the suggestions of Godwin, in favor of extravagant schemes of political reform. In the language of Mr Everett, 'it is in fact somewhat singular, that while the immediate object of Godwin was to demonstrate the expediency of practical reform, and that of Mr Malthus to prove its inutility, the theories of both these writers admit on general grounds, of precisely the

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same answer. While Godwin considers political institutions as absolutely mischievous, Malthus affirms that they are completely indifferent. The true answer to both is, that they are neither mischievous nor indifferent, but extremely valuable: that the origin of evil is not to be found in the existence of society, nor in any supposed law of nature, which creates a necessity of perpetual famine, but in the primary constitution of the universe.'

The work of Malthus on Population is certainly the production of a very powerful mind, furnished with all the information which books can afford, and possessed of the additional light to be derived from personal observation in foreign countries. In those chapters devoted to the consideration of the subject of 'the checks of population' in the principal countries of the earth, a mass of important facts is very ably condensed into a small compass. The subsequent portion of the work, principally on the condition of the poor, is replete with views equally correct and ingenious, and suggestions of the last practical importance, though mingled also, as we conceive, with grave errors. We cannot but regard it as a very singular circumstance that a work so important and valuable, the production of a very ingenious mind acting on materials collected with great diligence and matured with great deliberation, should start with a proposition in itself paradoxical, and, if not perfectly idle and nugatory, contradicted by the whole tenor of the work which it introduces. Such we esteem the proposition that 'Population tends to increase geometrically and food arithmetically, and that of course the former is always pressing on the latter.' We, in the first place, apprehend that this proposition conveys no very distinct ideas to the mind of any reader. The scientific terms in which it is conveyed, in an unavailing attempt to impart mathematical accuracy to moral topics, really add nothing to the clearness of the reader's ideas; and, if we do not deceive ourselves, either mean nothing, or mean what is manifestly false and impossible. To say that population increases geometrically and that food increases arithmetically, is of itself to say nothing. To give the proposition its significance, it is necessary to add, that if the population and food be compared with each other *at certain fixed intervals*, it will be found that they have a tendency, the one to a geometrical and the other to an arithmetical progression, con-

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temporaneously. It would of course be very possible that the population should increase geometrically, but slower than any assigned rate, and food arithmetically faster than any assigned rate.

But if Mr Malthus' theorem intend, as there is no doubt it does, that at the same stages of the progression, population increases geometrically and arithmetically; that is, for instance, that population may double every twenty-five years, and increase as 2, 4, 8, 16, while food will increase only as 2, 4, 6, 8, so that at the end of the fourth period of twenty-five years, there will be eight times as many people, with only four times as much food, then it needs only be said, that the thing is manifestly impossible. To suppose it, would be to suppose that half the food feeds twice the number of mouths, and to contradict the principles, which Mr Malthus has himself many times repeated, that the population cannot advance beyond the food.—Mr Malthus has in many parts of his work and in several connexions urged that the food must precede the population, and this by natural, invincible necessity. He has made this the real basis of some of the most valuable parts of his treatise. How then can it be said that population increases geometrically and food arithmetically in equal periods, when it is essential to the increase of population that the increase of food should go before it? If it be true that every man lives by eating, can any thing be plainer than that the food must increase as fast as the population?

But Mr Malthus may reply, that he speaks only of tendency;—that population *tends* to a geometrical increase and food to an arithmetical. This language, however, savors to us of an unprofitable abstraction, and its ambiguity is justly criticised by the writer in the New Monthly Magazine. *To tend* can express nothing but the natural constitution, the primary law, which God has given for the regulation of the increase of man. If it is one law of our nature that food must support life, and that population can increase no faster than food increases to nourish it, it is surely idle to say that population tends to increase faster than food. It is equivalent to saying, that if men could live without eating, they would multiply more rapidly, than while their numbers are limited to the supply of food. That man can increase no faster than his food, is not only true in itself, but is asserted in numerous

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places of Mr Malthus' work, as a law of our nature. That he should have overlooked it, while urging his famous mathematical proposition, is the more astonishing, when we consider the circumstances on which the increase of food depends. Food requires land to grow on; land is limited, and cannot increase; therefore Mr Malthus gives food only an arithmetical rate of progress. But how aptly might one object to his distinction between a tendency to a geometrical progression and an actual geometrical increase in the case of population; that food also *tends* to a geometrical increase and by a much more rapidly advancing series. It is true, Mr Malthus objects, that, as the quantity of land in every country, as well as in the whole earth, is limited, cultivation would, after a while, occupy it all, and after this period all increase of food must result from laborious improvements in the processes of industry on the same spots, and therefore be arithmetical. But it might be retorted with equal force, that population only *tends* to a geometrical increase, and can actually advance no faster than food. If food is checked by the geographical boundaries within which it is raised, population is also checked by food. As to fact, then, population is no more rapid in its progress than food; as to tendency, in many respects far less so.

But it is time to drop this ill applied term, which has perplexed, more or less, almost every part of Mr Malthus' inquiry. Though when words are explained, there is no objection to speaking of the *tendency* of food to increase, yet it is plain that there is no accuracy in the expression, and that it ought not to find entrance into a proposition so exact, as to be couched in mathematical language. Food as such, whether animal or vegetable, has no tendency to increase at all. Animals, indeed, in their free state, may increase in the geometrical progression, and in much more rapidly returning periods than man; and the grains and other vegetables which make up his food increase infinitesimally faster, in the natural law of their multiplication, than the lord of creation. But neither animals nor vegetables, as subjected to man and cultivated by him, can be said to tend of themselves to increase. They require to be preserved, husbanded, reared, and multiplied, by human care. Vegetable food—grains and roots—ripen and are gathered into barns. Here they have no tendency but to speedy dissolution. Before they can increase as food, man

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must separate a portion to be planted for a new harvest. How fast, as food, they will multiply, depends, therefore, altogether on the quantity which man chooses to plant from year to year, and the pains and skill he may bestow on the culture of it. So of animal food. Animals, in subjection to man, become a part of his food. How rapidly the amount of this food will increase depends upon the number of the young of their various races—calves, lambs, pigs, &c. which the owners will save from the shambles, and rear for the increase of the stock. The fishes of the sea are a part of our food. Their natural increase is almost infinite; but their amount as food for man increases only with the pains, care, and numbers of persons devoted to taking them. The result of the whole then is, that the preparation of food, which Mr Malthus has spoken of as a thing which increases by a law of its own, is an affair purely of man's agency.

Hence, therefore, the fallacy of the different ratios of increase of man and his food. Food is produced by human agency, availing itself, it is true, of the principles of natural growth, and limited within certain bounds. Man cannot grind flour out of stones, nor pasture cattle on the sea. But what food he does gather and consume, is the voluntary product of his own industry. This teaches us at once to suspect the propositon that population advances by a more rapid increase than food. All men must eat, all wish to eat, all will die if they do not eat; and the food by which all are supported must be the product of their labor. There is really, therefore, no reason to anticipate or admit any difference of the ratios by which food and population increase. But since the production of food is a voluntary act of man, it is plain that nothing fixed and uniform can be predicated of it; and the quantity which he will produce will depend on his various ability or disposition. It will be affected by the abundance or scarcity of land, by the security of property, by the manners prevailing in the country, by the stage of civilization of the people in question. In general, it may be assumed that no more food, as such, will be produced than is needed to support the population. Much more grain indeed may, and in many countries is grown, than is consumed; but the surplus being exported may be regarded, in this connexion, as any other manufacture. After the demands of foreign commerce are supplied,

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no more food will be produced than is needed for consumption. Generally we may go further, and say that not so much is produced as is wanted for the whole population, and we imagine it is this point which has led Mr Malthus into the idea of his twofold ratio. In a cultivated society, where a great division of labor exists, a small part of the community fulfils the office of preparing food for the whole, and the greater portion of the inhabitants procure it by exchanging something for it, labor or other equivalents. Now the poor, from unthriftiness, indolence, and vice, will often incapacitate themselves from procuring their share by this exchange; and the rich will, by waste and by possessing the means of purchasing for luxury, consume more than their share; and thus the supply will prove inadequate to the wants of all the eaters. Hence the population may always exceed the actual level of the food, more or less in different countries, but in some degree in all;—not because population and food advance in different ratios, but because those who stand at the bottom of the scale will suffer, when by any accident, or by the general causes at which we have hinted, an equal distribution is not effected. The remarks of Mr Everett on this general point are so satisfactory, that we should do our readers an injustice not to break off our own and transcribe his.

'The economical effect of an increase of population is an augmentation in the supply of labor and in the demand for its products. The wants of the new comers create the new demand, and their labor furnishes the new supply. These principles are too obvious to require any development; yet Mr Malthus seems either not to have perceived them, or not to have kept them distinctly in view. He appears throughout his work to consider the increase of population simply in its effect upon the consumption of the means of subsistence, without regarding its operation upon their supply. He views every individual added to society as an additional consumer, without appearing to reflect that he is also at the same time an additional laborer. This consideration alone, if properly estimated, is sufficient, I think, to rectify the whole theory of this writer, and to refute its paradoxical and dangerous parts.

'The circumstances that determine the productiveness of labor are necessarily two, the natural advantages under which it is applied, and the skill employed in its application. The same quantity of labor will produce a hundred bushels of corn in Mexico, and only ten in Norway; nor could any effort of industry obtain

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the delicious wines of France and Italy from the soil of Great Britain. The effect of a difference in skill is equally remarkable. A single miller will grind more corn in a day than twenty men would be able to pound up into powder by hand; and a single weaver will weave more cloth in an equal time, than a dozen persons who labor without a machine. These illustrations obviously afford a very moderate representation of the differences in the productiveness of labor resulting from the varieties of natural advantages, and of skill under which it is directed. For the present purpose the advantages of nature as well as the labor of individuals may be considered as uniform; since the increase of population can have no immediate effect in altering the soil, climate, or other natural properties of the country in which it occurs. Of the several causes that determine the amount of the means of subsistence which will be obtained by the labor of a given number of individuals, the only one therefore which must be regarded as variable for the purposes of this inquiry, is the skill with which their labor is applied. Hence the question whether an increase of population tends to produce an abundance or a scarcity of the means of subsistence, resolves itself into the further one, whether such increase produces a favorable or an unfavorable effect upon the skill employed in the application of labor.

'The question being thus reduced to its proper terms, few intelligent persons, I apprehend, will hesitate much, about the manner in which it should be answered. It is sufficiently notorious that an increase of population on a given territory is followed immediately by a division of labor; which produces in its turn the invention of new machines, an improvement of methods in all the departments of industry, and a rapid progress in the various branches of art and science. The increase effected by these improvements in the productiveness of labor is obviously much greater in proportion, than the increase of the population to which it is owing. The population of Great Britain, for example, doubled itself in the course of the last century, while the improvements in the modes of applying labor made during the same period have increased its productiveness so much, that it would probably be a moderate estimate to consider its products as a thousand times greater than before. If however we suppose the increase in the products of labor naturally resulting from the doubling of the population on a given territory, to be only in the proportion of ten to one, the means of subsistence will still be more abundant in the proportion of five to one than they were before. And on this very low calculation, the respective rates of increase in the amount of population and the means of subsistence comparatively stated, will be as follows:

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to wit, for the population 1, 2, 4, 8, 16, &c. and for the means of subsistence 1, 10, 100, 1000, &c. This statement of ratios is more comfortable and, I believe, far more correct than that of Mr Malthus. But this estimate, though moderate, is still much higher than it need be in order to refute the system of this writer. It is only necessary for this purpose to suppose that the increase in the products of labor exactly keeps pace with the increase in population: as, for example, that the additional supply of laborers together with the improvement of methods and invention of machines, resulting from the doubling of a population on a given territory, only maintains the productiveness of labor at the same point at which it stood before, and consequently doubles its products. Even upon this estimate, however much below the truth, the supply of the means of subsistence remains the same, notwithstanding the increase of consumers. In order to substantiate the theories of Mr Malthus, it is necessary to adopt the strange supposition, that labor becomes less efficient and productive in proportion to the degree of skill with which it is applied; that a man can raise more weight by hand, than by the help of a lever, and see further with the naked eye, than with the best telescope. pp. 12—15.

It will be perceived that these views leave ample room to account for all the suffering for want of food which there is in the world; or rather they furnish the only sound explanation of this distress, by referring it to the neglect, misfortunes, or vices of the sufferers. It is also to be borne in mind, that although the production of food, as the act of man, must advance with every thing which increases the amount of human agency in the world, yet the individual being is brought into existence by the interposition of others, and is unable for some years to prepare his own food. We accordingly find that it is in infancy that the greatest mortality happens, that age suffering which is not only most tender, but which is also wholly dependent on others for the supply of food. This demands to be taken into consideration, in stating the general proposition, that food is the production of man, since there is nevertheless one period of man's life, in which he is incompetent to produce it. It is true this is counterbalanced by the strong affection, which leads parents to provide for their children's nourishment. But since some children come into the world under circumstances which deprive them of parental support, it is reasonable to expect some inequality in the amount of that food which all need, and of that population of which a part only (though infin-

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itely the greater part) is able to prepare or acquire food. This deduction however cannot amount to any difference in the ratios of increase. And as human labor and skill are the great element in the increase of food, it is, upon the whole, plain, that food must increase with the numbers of those who need it, and who are able to raise it.

Hence in point of fact they are both advancing in the same ratio in all countries, where either of them is advancing. Where food is on the decline, population must decline also. Where population advances permanently, by however slow an increase, there food must advance by the same ratio; unless we suppose that the people are every day more and more wretchedly fed, which is an absurdity on the supposition of a permanently increasing population. Where the population is stationary, food, for the same reason, will also be stationary. And since every population must be either advancing, declining, or stationary, and food in all these states must keep even pace with it, we cannot perceive how the idea of different ratios between them can stand for a moment.

The difficulty which most needs solution in this controversy is that, which arises from the inquiry into the ultimate consequences of an indefinite increase of population on the earth, while the supply of food must be limited. Mr Malthus has urged that the effect of such an increase would be a fatal overstocking of the earth and consequent famine, distress, struggle for the food which would not be adequate for the wants of all, and thus a general disorganization of society. This effect is by Mr Godwin merely put at an indefinite distance. By the Marquis Condorcet, even in the midst of splendid visions of human perfectibility, such an event is considered unavoidable, and he speaks of the periodical destruction and renovation of our race as a part of its natural economy. Of all these ways of considering the subject, we must confess that Godwin's, though mixed with strange errors, is nearest the truth. Godwin places the evil itself at an indefinite distance. Had he placed it at an infinite distance, that is, had he said it could never occur in the constitution of our race, we think he would have spoken the truth. Godwin also urged that vicious political institutions obstruct the progress of man towards an indefinite improvement of his condition. This, in general, is also true. The error of Godwin was in the specification of his instances. Led away by the passion of the

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times, he numbered among the abuses which thus obstruct the improvement of man all political and social institutions. To this Mr Malthus replies, that it is not political institutions, which prevent the indefinite increase of man, but the constitutional law of our nature, which makes population increase so much faster than food, that the former is always kept down by the latter, and that this pressure, so far from being delayed till the earth shall be cultivated to its last inch, is felt every day and hour. From these premises Mr Malthus would infer, that reform is not to be attempted in vicious political institutions, since not they, but the primitive laws of our nature, produce the pressure on the population.

Now to this mode of meeting Godwin's visions of reform every philosophical inquirer must object. It would have been far more judicious to examine particularly the alleged abuses in society, to which Mr Godwin traces its sufferings, and to show them either to be no abuses, or abuses inseparable from our nature. Thus Mr Godwin particularly insists that marriage, and the English laws of property, are pernicious abuses. How easy would it have been for Mr Malthus to meet him at large on the first point. Instead of this, he has only alluded to the subject in a few paragraphs. As to the English laws of transmitting property, Godwin is unquestionably justified in calling them an abuse. Till the vast accumulation of personal wealth rendered their provisions in some degree nugatory, it was an abuse of the most active and operative kind, and to no one cause is the modern growth of England more to be ascribed than to the equal distribution of personal goods. In this instance therefore Godwin justly attributed a part of the suffering of the common people to the odious laws which take so great a proportion of the land of England out of the market; and Mr Malthus, instead of setting up against him the fantastical defence of his different ratios and alleging that they would sooner or later produce the same evils, should either have shown that these laws are not, or have confessed that they were, productive of evil.

It is the more to be wondered at that Mr Malthus did not avowedly take this course with Mr Godwin, since he has unconsciously fallen into it, in nearly one half of his work. All that part which treats of the checks of population in different countries, is in reality an amplification of Godwin's idea that

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the increase of man is kept down by false political institutions. From the savages of New Zealand up to the civilized nations of Europe, there is not one country, in which Mr Malthus might not find a part of the checks on population in human institutions. It is with a somewhat perverse ingenuity, however, that he identifies their operation with that of his great mathematical check; and tells us that, though moral restraint, vice, and misery are the immediate checks, they all grow out of the tendency of population to outrun food; and that however bad the government is, the population is always somewhat greater than the actual means of subsistence. But to infer from this, that *therefore* it is in vain to reform institutions because, however scanty the population, it is still beyond the food; and that it is in vain to multiply the food, because, however abundant, the population will still outrun it, besides being inconclusive, is, in our judgment, a very dangerous argument. It is inconclusive, for it may be (nay it certainly will be) that the reform of vicious institutions will at one and the same moment give a spring both to population and to food, and not only more people will be fed, but they will be better fed; and whereas in a savage or despotic country all are pinched, in a free and prosperous country a few only starve, and the majority are at ease. But Mr Malthus' reasoning is not only inconclusive, but it is of the nature of an estoppel, against all reforms, all improvements. He urges with the most solemn and eloquent earnestness, that our nature is so constituted that population must outrun food, and that the more perfect the theoretical constitution of society, the more rapidly and more certainly it tends to a disproportion between population and food. Now by what argument—on these principles—can the most atrocious despotism, the most hideous tyranny, whether of mobs or monarchs, be reformed? What is to hinder the monarchs or the mobs from saying, 'Not our sway, but your own nature, dooms you to famine Till the soil to the last rood; you will multiply faster than your means of support; starve you must, whether we rule or abdicate.' To such a defence of despotism, we see not how Mr Malthus could reply. An inference so dangerous to human happiness must lead us to question the hypothesis on which it rests, viz. that man, by a law of his nature, tends thus fatally to overstock the earth. We deny any such tendency, and are happy in having Mr Malthus, though ostensibly an

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opponent, yet really a patron of our opinion. Mr Malthus maintains that this overstocking is prevented by another necessary law of our nature, namely, the difference of the two ratios. How then can man be said to tend naturally to a catastrophe, to which he is prevented from arriving by the organic laws of his nature? We differ only as to the law which prevents this increase; and we seek it in the intention in which man was formed, by Providence. The earth on which we are placed is limited; our race tends not to infinite but to indefinite increase. It is plain, then, that the Being, who created us, either designed expressly that we should multiply and literally fill the earth, in order then to starve by myriads, or that he has so constituted us, that the principle of increase, though indefinitely advancing, will never overstock the earth, though limited in its extent. If we are still asked what these causes are, we answer, all those circumstances, in our constitution and fortunes here on earth, which check increase; some of them arising immediately from the virtues and some from the vices of man, some resting on the dictates of prudence, some on the law of necessity, some growing out of the constitution of our frames, some from the organization of society, some resulting from the great catastrophes in the physical world, and some purely of a moral quality. Man is prevented from overstocking the earth, in the same way that he is prevented from living, in the individual case, to be a thousand years old. We believe it would be very difficult to give a more distinct reason for one than for the other. Three score years and ten are considered a kind of term to human existence, but well authenticated instances exist of persons who have attained to more than twice that period in modern times, and no particular reason can be given why man should not live five hundred or a thousand years, nay, as Condorcet thought he might, forever. This would, of course, tend to the overstocking of the earth much sooner than that event could take place, in the common order of mortality. Yet Mr Malthus cannot ascribe it to the difference of his ratios of food and population, that no man lives to be five hundred or a thousand years old; and his theory, potent as its principle is, gives no account why those, who have food in abundance and the means of increasing it as they wish, do not live on from age to age, and never die. We hold it therefore far more simple, far more philosophical,

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to account for the earth's not being overstocked, first as a law of our nature that it should not be, and then by the whole complex action of the principles, by which what we are, in every other respect, is also determined. That generations pass away and others come on; and that the successive races thus make room for each other, instead of accumulating into a crowd beyond the power of the earth to feed, we hold to be brought about in the same way, that the death of each individual man is brought about.

But Mr Malthus may say that this view of the subject involves the inconsistency of supposing that so great a calamity as the overstocking of the earth is prevented from occurring by various vices and imperfections of our nature, against which, nevertheless, we seek for remedies as evils in the individual instance; thus striving to remove those vices and imperfections, whose combined agency discharges so salutary a function in the human system. This observation, if correct, would form no objection to our view of the subject; or if it did, the objection would apply still more pointedly to the theory of Mr Malthus himself. The overstocking of the world, or any part of it, would be an evil, and this evil, say we, is prevented from occurring by various restraints, imperfections, and evils in our nature, against which—though collectively their operation is salutary—we all struggle and seek for remedies. Mr Malthus, on this point, differs from us only in saying that the acknowledged calamity of an overstocked world is prevented from occurring by the actual starvation, which constantly presses upon population, and presses with increasing force as population increases. And yet starvation surely is an evil—though discharging this salutary office—against which all men must struggle; a bitter cup necessary to be swallowed, but which each would fain have pass from himself.

Mr Malthus repeatedly observes that the simplicity and neatness of the proposition, whereby he accounts for the fact that population is kept within bounds, from a presumption of its truth. There are cases indeed when we all feel the truth of Boerhaave's motto *simplex sigillum veritatis*, but it is not often that great questions in human condition and destination are to be so easily disposed of. 'It is a perfectly just observation of Mr Godwin,' says Mr Malthus, 'that "there is a principle in human society, by which population is perpetually kept down to the

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level of the means of subsistence." The sole question is, what is this principle? Is it some obscure and occult cause? Is it some mysterious interference of heaven, which at a certain period strikes the men with impotence and the women with barrenness? Or is it a cause open to our researches, within our view; a cause which has constantly been observed to operate though with varied force, in every state, in which man has been placed? Is it not misery and the fear of misery, the necessary and inevitable results of the laws of nature, which human institutions, so far from aggravating have tended considerably to mitigate, though they can never remove?"* We confess ourselves neither convinced by this reasoning nor gratified by the result. No one denies that the state in which human population is found 'is the result of the laws of our nature.' But the question is whether a difference of the ratios, in which food and population increase, is one of those laws? Misery and the fear of misery are certainly *among* the checks of population; but that, in general, human institutions, so far from aggravating, have tended to mitigate this misery, is a language, which we hear with astonishment from a profound philosopher. We had supposed that whether 'institutions' relieve or aggravate misery, depends on the nature of the institutions. The institutions of representative government, of free schools, of saving banks, and of religious instruction, we believe have a great tendency to mitigate human misery. We consider the institution of the holy inquisition, of despotic government, and of the law of primogeniture, as equally calculated to promote human misery; and for one being, who has suffered in a free, well governed state, from the arithmetical ratio of increase in food, we believe thousands have laid down their lives on the dark altars of political and religious oppression.

Moreover where men die for want of food, it is very rarely because it was in itself deficient. How can it be pretended that there is any lack of food in Egypt, for instance, one of the granaries of Rome, and now one of the countries in the world the poorest fed? There is no real deficiency of food where there is a rood of ground and a human arm to till it; and the government, or the laws, which prevent all who are willing to acquire food from doing so, are guilty of plunder as directly, as if they burst the granary of the rich merchant and

* Essay on Population, Vol. II, p. 110.

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rifled it of its contents. There is no deficiency of food in the most crowded country on earth, whether it contain or do not contain land enough for the subsistence of its population. Were the restrictions on commerce done away, for example, in England, the flour of the Genesee country would obstruct the wharfs at Liverpool, and that of the Crimea would enter into competition with it there. It is true this would reduce the rents of the landholders. They would lose the profits they now make from inferior soils, out of the hunger of their countrymen, and a great transfer of capital to other branches of industry and to other countries would take place. With it would take place a transfer of the arts of civilized life to the fertile but barbarous quarters of the earth; and instead of an act of parliament imposing a heavy fine on a weaver who, unwilling to starve at home, is desirous of emigrating, governments might find it for their interest, and subjects for their happiness, to have a free right of emigration established.

But here again Mr Malthus' importunate argument emigrates with them. By virtue of the difference of his two ratios, want would spring out of the bosom of this wide-spread plenty, and though the freedom of commerce should afford an indefinite supply of food, it would lead only to the still more rapid multiplication of starving millions. In addition to what we have already urged in reply to this argument, and to show that by the constitution of our nature, the race of man is restrained from this disastrous increase, we may appeal to what is every day observed in society, as to the effect of plenty to produce an extraordinary increase of population. If it were true, as is very many times asserted by Mr Malthus, that great plenty leads to still greater increase and consequent suffering for food in the midst of this plenty, in what way is the difference to be accounted for between the higher and lower classes of society in respect to their relative tendency to increase? In most of the countries of Europe, two classes exist in the community, one possessed of great wealth, the other poor. Whence is it that among the first, who know not what want means but by the spectacle of it exhibited in the class beneath them, who have enough and to spare while famine pinches the land, whose board is amply spread while consuming drought parches the cornfield of the cottager, whence is it that, in this favored class, population is notoriously so much less active than in that class, on

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which hard seasons deal their severity, which depends on the chance of the elements for its sustenance, and which starves if the crop fail? Whence is it that children are, in this country, the poor man's blessing, in Europe the poor man's curse; in all countries found to be fewer, almost in proportion to the abundance of the means of their support? We apprehend that this unquestioned fact is to be explained, by what Mr Malthus will perhaps reject as 'a mysterious and occult cause;' certainly on the operation of principles which he has not drawn into his account. The truth is that man is not, like the beasts that perish, a mere animal, to propagate upon food like the flocks and herds. It is only when sunk by the vicious institutions of society to the situation of a mere animal, that he puts on the conditions of brutal nature, and that his increase is measured by the corn that is dealt out to him. In proportion as his intellectual and moral nature—his only true nature—is cultivated and called out; he becomes, we will not say something different from an animal, but he certainly becomes something besides an animal. He awakens to an existence, which corn does not feed, and which famine does not starve. A moral and spiritual life grows up within him with its own principles of growth, of nourishment, and decline. In proportion to this growth of another life, to the delicacy, to the elevation, to the purity of the new existence, which the son of heaven has put on, will be the influence of the remaining mere animal nature, and the degree to which it will govern and determine his progress. Where this intellectual and moral being exists in all its abstraction and purity, it weakens the application of the passions of a grosser nature. The difficult spirit, in quest of a companion of kindred qualities, dwelling perhaps in visionary meditation on the images created by fancy, passes through life without having found a congenial character. A thousand delicate regards to all that affects human duty and happiness in that widely extended sphere, in which such a mind beholds them, operate on the conduct. Steele, without any attempt at generalizing, describes such a character in his Fidelia, a young woman of beauty and wealth, who rejects the addresses of numerous lovers and finds her happiness in attendance on an infirm father. Though it is most pleasant to contemplate this intellectual existence in its pure and amiable forms, yet as far as the present subject is concerned it is not

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less important and perhaps more frequent, when its moral character is of a different kind. The vast and complicated business of polished society constitutes a distinct sphere of cares, desires, and pursuits, for a considerable part of the higher ranks in the old world, and for those who most resemble those ranks among us. The earnestness with which the great objects of life are pursued; the agonizing tension of the soul under the influence of ambition, of emulation, of jealousy; the efforts of the mind required of them, on whose shoulders the weight of empire rests; the eagerness of gain, the absorption, the distraction of the great interests, to which men are pledged, all these and many things included in them, which we leave to the imagination of our readers to supply, strongly modify the existence of man; and furnish a part of the laws that regulate the multiplication of the race. Mr Malthus has glanced at some of them, under the head of the preventive check arising from moral restraint. But a volume would not suffice to do justice to the practical importance of the theme; and to trace the manner by which the advancement and the cultivation of the life of the reason, of the affections, and of the passions, are made to counterbalance the tendencies of the animal nature. The history of man and contemporary observation would sufficiently establish the soundness of this speculation. They would point to us the extinction of noble and royal families, the magnificent desolation of uninhabited castles, the barren bed of vicious opulence. They would change the scene and show us the action of the same principle under the different form of a mistaken piety, filling the desarts and the provinces with convents and monasteries, where 'the mind received a kind of melancholy culture, and the heart enjoyed an enthusiastic exercise of some of its strongest affections.'* While finally in private and individual life, we may often trace the unpartnered solitude of the heart among the victims of many of the strong passions, tender scruples, exquisite tastes; and which whether they excite our aversion as gloomy and unsocial, or command our admiration as lofty and purified from the dross of the world, or move our pity at the dreary void of the social affections which they induce, all operate practically to bring into exercise a different law of progress in the increase of man.

* Buckminster's Female Asylum Sermon.

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These reflections will perhaps lead us to adopt with caution the idea that vice and misery alone are the checks on the indefinite increase of our race. We do not know on the other hand by what argument it can be made out, that such an indefinite increase is any part of human perfection. No one, whose assent we are anxious to secure, will deny that the moral and intellectual nature of man is his great glory; nor doubt that in the cultivation and improvement of this moral and intellectual nature, the original design of our being is to be placed. It is equally true that the multiplication of our species is the result of one specific instinct;—native, virtuous, powerful;—but shown by daily observation to be only a part of our natures. There are other principles within us equally native, equally virtuous, in their end more elevated, and so far from being of rare occurrence, that no one can look round upon society about him without witnessing their action and its superiority to the mere law of animal increase.

But we must hasten to draw these remarks to a close, by offering our readers a brief analysis of Mr Everett's work. Having in the first chapter stated the origin of the controversy between Messrs Godwin and Malthus and their respective doctrines as to the effect of political institutions, our author devotes his second chapter to the real effect of the increase of population. From this chapter, we have already made an extract in which the doctrine, we think, is amply established, that the increase of population produces a great increase in the means of subsistence. This is the new view, which Mr Everett has labored to establish, and which forms the basis of the work. It is farther illustrated in the third chapter, by applying it to man in different stages of civilization. One point is so ingeniously and ably urged, that we cannot forbear an extract of the passage.

'The amount of labor at the disposal of the society and the skill with which it is applied being thus augmented, in proportion to the increase of population, it is evident that the result must be a great increase of products. The greater or less degree of abundance, as respects the means of subsistence which will result from this increase, will depend upon the physical and political situation of the society, and the greater or less degree in which the several departments of industry are favored by it. It seems to be the opinion of Mr Malthus that as long as there are large tracts of land in a country to be occupied, the increase of popu-

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lation is unattended with danger; and that it is only when the soil has been entirely appropriated, while the population still continues to increase, that the danger of scarcity begins to present itself. But in this, as in many other points, the positions of Mr Malthus seem to be directly the reverse of the truth. As long as the principal effect of the increase of population, is to bring under cultivation additional tracts of land, the positive resources and wealth of the society will doubtless be augmented in the same proportion, but the means of subsistence will be neither more nor less abundant than they were before. Let us suppose, for example, that a hundred families obtain an easy and abundant subsistence by cultivating five hundred acres of land. If the number of families be increased to two hundred, and the number of acres under cultivation to a thousand; it is obvious, that the proportion between the demand for the means of subsistence and their supply will not be altered. It is only when the population begins to increase on a territory already appropriated, that it produces the effect of augmenting the supply of provisions in proportion to the demand. In the former case, the supply of labor is augmented, but the skill with which it is applied remains nearly the same as before. In the latter, the skill as well as the number of the laborers is increased; and as the productiveness of labor depends almost wholly upon the skill and science with which it is applied, it is obvious that the products will be infinitely more abundant in the latter case, with the same increase of population, than they were in the former. The increase of population on an unoccupied territory only increases the quantity of rude labor and of its products, but leaves the productiveness of labor and the comparative abundance of its products as before. On a limited territory the same cause introduces the new element of skill, the effects of which, in augmenting the productiveness of labor and the abundance of its products, are unbounded and incalculable.' p. 24—25.

Having thus established the real effect of an increase of population, Mr Everett proceeds to refute the doctrine of Mr Malthus, that there is actually existing throughout the world a permanent scarcity of food, arising from the pressure of population on subsistence, and this he has aimed to do in his third, fourth, and fifth chapters. In these it is shown that Mr Malthus' argument takes for granted that a given population must subsist upon the direct product of the soil they occupy; and secondly, that the rate of increase of the human species, assumed by Mr Malthus as true, being deduced from the single example of the United States, and not from an average of all

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the known cases, involves a logical error, and in point of fact is a great deal too high.

The proposition that the increase of population is a principle of abundance and not of scarcity being thus established in a positive way, and cleared of the only objection that can be made to it, it formed no necessary part of Mr Everett's object to ascertain what the rate of increase of the human species really is, and what the causes are that determine the extent of population. But as these are interesting questions, and have generally been discussed in connexion with the main subject, Mr Everett has briefly considered them in the sixth and seventh chapters of his work, where he has shown that the extent of population is determined almost wholly by the degree of civilization; and that its increase is checked at every stage of civilization, by particular forms of moral and physical evil, the operation of which may be indefinitely diminished, but can never be wholly removed, and will always prevent the earth from being overstocked with inhabitants.

This theory is illustrated, in the eighth chapter, by a reference to the example of the United States of America. The unprecedented increase of population, in this country, is attributed by Mr Everett to its extraordinary political and geographical situation, by means of which the inhabitants have been almost wholly exempt from the influence of the checks on population, that have generally existed in communities, at the same point of civilization. In other words, it is attributed to the goodness of the social institutions and the good morals of the people. The abundance of the means of subsistence enjoyed by men is stated to be the consequence and not the cause of their favorable moral and political situation, and this point is illustrated by a reference to the case of the neighboring Indians, whose position is precisely the same in every particular excepting that of civilization, and who, instead of increasing in population and living in abundance, are diminishing in numbers and dying of want.

In the ninth and tenth chapters, Mr Everett has examined the doctrine of Mr Malthus on the propriety of discouraging marriage and abolishing the poor laws, and having already shown the error of the principles from which these inferences were drawn, there is little difficulty of course in reasoning against the inferences themselves. In fact, it is that part of

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Mr Malthus' work, where he recommends the abolition of all laws for the systematic relief of the poor, which will soonest awaken scepticism as to the soundness of the system, of which this harsh proposal is a part. It is capable of moral demonstration that poverty is a part, and an important part, of the plan of Providence; that it is a duty to relieve it:—and it is the dictate of reason and common sense that what it is a duty to do at all, it is a duty to do in the most efficient way. To say, with Mr Malthus, that all relief of the poor should be left to casual charity, is to say that this relief ought to be bestowed in the least effectual, the least intelligent, the most wasteful manner. Nor ought any argument against poor laws to be drawn from the monstrous abuses of the English system.

In the eleventh chapter of his work Mr Everett has explained the manner in which the state of civilization affects the rate of wages, and prevents in many cases the rewards of individual labor from increasing in proportion to the increased productiveness of the labor of the community.

Mr Everett has justly remarked of his work, of which we have thus given a faint outline, that it is itself little more than a summary of the principal heads of argument, in a very condensed form. Though it should appear that his leading view, viz. that the increase of population is a principle not of scarcity but of abundance, is not absolutely new, it is plainly original with its author, and is developed with greater precision, we imagine, than it has ever before been. The writer of this notice abstains from bestowing any compliments on the work, which would come from too partial a source to be of weight. But he trusts he shall not overstep the limits of propriety, in recommending the essay of Mr Everett as a happy specimen of original and profound thinking, clothed in chaste and simple language. Whether it will produce an extensive effect on the public mind, with regard to the great question which it treats, must be left for time to decide.

ART. XV.—*Beobachtungen auf einer Reise nach England, &c.*

Observations on a Journey to England, with Recollections of memorable Occurrences and Contemporaries, during the last

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fifty years. By Augustus Herman Niemeyer, D. D. 2 vols. 8vo, 2d edition. Halle, 1822.

No nation in Europe is better calculated than the German to furnish travellers in England. The French are too much embittered by the 'natural hostility' existing between the countries, to be impartial on the subject of the British character and institutions. The Germans, if erring on either side, are too prone to view every thing in England; with admiring eyes. This disposition is, however, in some degree corrected by the offence which the Germans naturally take at the disdainful manner in which their national character, language, and literature are treated in England. In self-defence, a considerable freedom of censure is therefore exercised by German travellers in England; while the better qualities of industry, curiosity, and not seldom a knowledge of the language, are oftener found among them, than among their mercurial neighbors on the continent. Some excellent books of travels in England have accordingly appeared in German, of which the best, that of Professor Gœde of Göttingen, in an English translation by Mr Horne, has been reprinted in this country, and was noticed in our number for July, 1822. Excepting the work of Mr Simond, that of Gœde is the best book of travels in England with which we are acquainted.

The work before us is from the pen of Dr Niemeyer, chancellor of the University of Halle, a seat of learning, which, to say nothing of living scholars, is renowned among theologians at least, for the name of Semler. Dr Niemeyer has long filled, with great distinction, the honorable place of chancellor of the University, of which he is also a professor in the theological faculty. He is likewise at the head of a high school in Halle, which forms a part of a series of charitable foundations, that owe their origin to the liberality of Franke and Canstein, and exceed in importance the private benefactions for literary and charitable purposes, in any other part of Germany. Among these establishments, the Canstein press for printing bibles is justly worthy of note, and has been called the pattern of the British and Foreign Bible Society. Twelve presses are constantly employed in this establishment, in multiplying copies of the scriptures, not indeed for gratuitous distribution, but for sale at a low price; and from these presses, within a century, over two hundred editions of the bible have appeared.

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To his standing as chancellor of the University of Halle, Dr Niemeyer adds that of one of the most esteemed of the living writers in Germany. His *Scripture Characters* and his various works on the theory and practice of education have passed through many editions, and are particularly acceptable to that moderate party in Germany, who though not inheriting the strictness of times gone by, are still farther from adopting the bold speculations of the last half century. The personal character of Dr Niemeyer contributed not a little to uphold the University of Halle, in the disastrous period of the French domination. Twice, the decree of its suppression was pronounced by the Westphalian government, whose patronage of letters was almost confined to the more fortunate University of Göttingen. Dr Niemyer, however, has had the happiness to see the University, where he received his own education, and to which he has devoted the labors of his life, survive these shocks; and possess at the present day a reputation among the most respectable of the German seminaries.

His journey to England appears to have been rather an excursion of relaxation, pleasure, and philosophical curiosity, than a professed traveller's expedition. It began about the end of May, and at the beginning of August we find him on his return, at the mouth of the Elbe, leaving, after a deduction of the time consumed on the way, but about two months for his visit in England. We mention not this as at all detracting from the value of the work before us, in which the observations made by him are recorded, but simply to intimate the extent of his opportunities. So far from condemning journies of so short a duration, we could wish that they were oftener undertaken, even from our shores and with the discouragement of an ocean to be crossed. The idea that all Europe must be visited, and two or three years passed abroad, terrifies many, whose leisure and means do not extend to so formidable a length. Whereas a season is enough to answer some of the most desirable purposes of a voyage to Europe; and the improvements in navigation are now so great, that with rational views of the length of time requisite to be abroad, many more of our young men might command this advantage than at present, without the danger to which they are exposed of being weaned from their national tastes and habits, by a protracted residence in foreign dissipated capitals.

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As Dr Niemeyer's time in England was limited, his observations are chiefly confined to London, Cambridge, Oxford, and Windsor, and to topics, for the most part, in which he felt something of a professional interest, such as those relating to education, charitable establishments, and religion. In point of variety, therefore, his work is not designed to enter into competition with that of Professor Gœde, nor would it prove so generally interesting to readers, who open a book of travels for matter-of-fact information as to the countries of which it treats. Neither does Dr Niemeyer profess, like Mr Simond, whom he quotes with great respect, to enter much into economical and statistical details. Scarce any thing in this way is attempted from original sources. The matter of the work, with the exception of a moderate portion of traveller's anecdote and adventure, consists of his observations on what he had occasion to see and hear in England. What we have already stated of his character and standing will prepare our readers to place a good deal of reliance on his remarks upon a large class of very interesting topics; nor will they find themselves on the whole disappointed. If we take any exception, it is to the extreme of candor, with which Dr Niemeyer is disposed to look on the bright side of English institutions. Though in many things he censures with freedom, yet in others he strains a point, as it seems to us, to defend what ought not to be defended. When we find him, with nearly equal zeal, arguing against the trial by jury, and in favor of the mode of education pursued at the public schools and universities in England, we cannot but regret that so respectable an authority should have placed himself so much and so unexpectedly in the wrong. In general, however, Dr Niemeyer's remarks are judicious and impartial, and his work, which with unusual rapidity has passed through two editions, is equally honorable to his feelings and to his understanding. As it is wholly out of the question to analyze a book of travels, we shall attempt nothing more, in the remainder of this article, than an extract of some part of the amusing and instructive matter which it contains.

One of the most incomprehensible things to every traveller is the private life and manners of a nation. Many things in which the peculiarities of the English are most marked, having descended by inheritance to us, strike us in no degree as

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strange. It is often not a little amusing to see what portentous oddities alarm the foreigner of some other nation, in what pass with us for the most common incidents of life. We shall abridge from Dr Niemeyer's work, as an illustration of this remark, an account of an English dinner party, which he has himself extracted from a book on England, written by a lady of some note in Germany, Madame Schopenhauer, who is mentioned, if we remember, by Madame de Staël. Our readers will be inclined to think, from one or two points in the description, that Madame Schopenhauer's dining acquaintance did not all live in St James' Square.

'The table,' says this lady, as quoted by Dr Niemeyer, 'appears to you as you enter the dining-room all served, *but for the most part without napkins.* The table-cloth hangs to the ground, and every one in sitting takes it upon his knee, and uses it, as we do our napkins. The lady of the house sits in an *armed chair*, at the head of the table, and her husband opposite to her, at the other end. The guests take their places in common chairs on either side, and intermingled with each other, as their places are prescribed to them by the host. All the dishes, which belong to the first course, stand upon the table under block-tin covers. The lady helps to the soup,—somewhat thin, but well seasoned with Cayenne—asking every individual guest if he choose any. Soup with the English is a rarity. A friend or two next assist the lady and gentleman of the house in helping to the other dishes. All the dishes are helped to immediately after the soup, and not in a regular order, one dish at a time, as in Germany. They consist, generally, of fish, such as salmon, cod, turbot, and the like, which would be better for salt in the cooking; of puddings, vegetables, tarts, and all sorts of flesh and poultry, without salt, butter, or other addition; cooked with steam, broiled, roasted, or boiled. Pepper only is bestowed in abundance. When a thin, dry crust is laid on such a dish, it is dignified with the name of a pasty. The half-raw vegetables must look green and fresh, and it is not till they appear on the table, that melted butter is put to them, and then by each one according to his taste. Potatoes fail at no dinner; they are excellent, but cooked in steam alone. The puddings of all kinds would be very good, but that they are too fat, often made of little else than beef marrow. The pies, the triumph of English cookery, consist of half-ripe fruit, boiled in water, and provided with a cover of dry paste. The pickles, which accompany the roasted dishes, consisting of vegetables of all kinds, such as maize, unripe walnuts, small onions, and so forth, preserved with strong

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vinegar and much spice, are excellent. In these, as also in soy and other rich sauces, which are manufactured by wholesale, a great trade is carried on from London to all parts of the world. The sauces, mustard, oil, and vinegar, stand in ornamental frames for the use of the guests; also for every two persons is placed a saltcellar. The salad is dressed and cut small, by the lady of the house at table, with great ceremony; it consists of a very tender, succulent lettuce, whose leaves are narrow, but half a yard long. I have never seen it out of England; and in return the English are wholly unacquainted with our head lettuce!

'At an English table there is no end of questions on the side of the host, and answers on that of the guest; a great embarrassment for a foreigner, who though otherwise well enough acquainted with English, is still wholly unable to comprehend all these technical expressions. He must state particularly of every dish whether he will have any—much or little—with sauce or without—what part of the fowl or fish—well done or rare.' 'This account,' interrupts Dr Niemeyer, 'is not exaggerated. While eating, nothing but eating is spoken of, a circumstance which tasks a foreigner not a little. The technical terms must first be learned; and yet, with very little choosing, I have generally surrendered at discretion; little to the content of host and hostess, who are really concerned that you should have what you like best.' 'The ceremony of drinking, says Madame Schopenhauer, is every where the same. The host commonly begins and "demands permission of a lady to drink a glass of wine with her," and at the same time desires her to say whether she will have red port or white sherry. These two wines are always on the table and every where in two decanters exactly matched, often of the finest cut glass, with two glasses for each guest of somewhat different heights. Courteously bowing toward each, the lady and gentleman say, as in chorus, "Sir, your good health," "Madam, your good health," drink out their glasses, and set them away. Presently the same challenge is heard from another voice, the same ceremony is repeated, and still repeated, till every gentleman has drunk with every lady, and every lady with every gentleman, at least once round! No one can decline; that were offensive. Besides this, at the first glass every one is bound, at least with a bow, to wish the health of every one at the table, and also to give particular note, if the same attention be paid him by any of the other guests. It would be improper for a lady to drink without being asked; which, however, she cannot long be uninvited to do. The gentlemen also, with every glass, invite some one to join them; to whom a third also may join himself, after duly asking permission. In this way, in replies to invitations to eat and drink, in drinking healths, and attending when your own is drunken,

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one has enough to do.' Dr Niemeyer justly observes here, that 'though this may be the ancient order in many families, it is more or less departed from in others, and that health-drinking is in general going out of use as unfashionable.'

'The number of dishes,' continues Madame Schopenhauer, 'is seldom great. All moves briskly; and in an hour or more the dinner is over. The table is cleared, the crumbs of bread carefully swept up with a cloth, and different kinds of cheese, butter, radishes, and again salad are brought on. The latter is eaten with cheese, without any dressing but salt. This interlude lasts not long, and gives place to another; every guest receives a small, finely ground cup of water, for rinsing the teeth and washing the hands, together with a small napkin; and they are used just as one alone at home would use them. After this ceremony of purification, the whole decoration is changed. The table-cloth, with every thing upon it disappears, and the beautiful, polished mahogany table shines before you. Decanters and glasses are now placed before the master of the house, the fruit is set on, and every guest receives a small dessert plate, two glasses, and a small red checked or plain red cloth, folded square. This however is seldom unfolded, and is only used to place a glass on. The fruit is not handed round, but as before, in the other dishes, helped out and offered, with many questions. Now the decanters begin to play the chief part; each pushes them to his neighbor, after having helped himself to little or much as he will. The host now gives toasts, drinks to the health of his friends, and never forgets the royal family. Soon the lady of the house rises from her armed chair, and with a slight inclination gives the signal to the other ladies. All rise and follow their leader modestly out of the room. The gentlemen now feel more easy, all restraint is banished, and they are alone with their wine, politics, and cheerful conversation. * * *. Meantime the ladies amuse themselves as well as they can, by the fire in the other room, for an hour or more, till tea and coffee are prepared, when the gentlemen join their party and conversation grows more animated.'

We have quoted this account of an English dinner from a German lady of literary celebrity, to which Dr Niemeyer has given his sanction by adopting it into his work. It shows how easy it is by a little ignorance or inattention, and a little exaggeration, for a foreigner to make a strange story out of what seems to a native the simplest thing in the world. The wonderment of a native of the east would begin much sooner. Accustomed to leave his slippers at the door, he would be as-

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tounded to see the carpet trod by the shoes and boots, which had just been traversing the streets. Used to wearing a turban, he would be shocked at the indelicate exposure of the naked head. Familiarized to sitting on the floor and eating with his fingers, he would be equally incumbered and perplexed at being put up into such a scaffold as a chair, and forced to perform, what he would consider the cook's or the butcher's office, that of carving and cutting the meat. As a further illustration of the difference of sentiment, as well as manners in different nations, we may add that common delicacy has forced us Americans to omit the reference, which Madame Schopenhauer makes, toward the end of her description of an English dinner, to a custom, which though practised by English gentlemen and reported by German ladies, cannot even be named among us.

The following list of the charitable establishments in London is found toward the close of Dr Niemeyer's first volume.

'1. Forty-three free schools in which four thousand children are either educated or supported, or both.

2. Seventeen schools for children wholly destitute and forsaken.

3. Two hundred and thirty-seven parish schools, which are supported by voluntary contributions, and in which from ten to twelve thousand children, boys and girls, are educated.

4. Twenty-two hospitals for sick, infirm, or lying-in patients.

5. Two large lunatic hospitals, Bedlam and St Luke's.

6. One hundred and seven poor-houses, for the support of indigent aged persons.

7. Eighteen establishments for the relief of specific classes of the unfortunate, poor, and helpless.

8. Twenty dispensaries from which medicine is gratuitously distributed to the poor. In all these establishments it is calculated that about £350,000 sterling, or near $4,000,000, annually are expended.'

These facts, which we believe are taken from Colquhoun, certainly exhibit an enormous patronage of poverty; and may justly enough be compared to the wages, by which any other part of the community lives. Whether it is exclusive of the poor-rates in London, we are not apprized, but we presume it is. The survey of these enormous contributions levied for the support of poverty, connected with the doctrine that the supply of pauperism as of every other article in the market will keep pace with the demand, has led the economists of Mr

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Malthus' school, as has been hinted in the preceding article, to recommend the suspension of all legal provision for the poor. It is no part of our present intention, to engage in the discussion of this great and difficult question; but we would submit one or two doubts to the consideration of those benevolent persons, whose minds have been perplexed by the plausible arguments urged for so harsh a measure. Is it true that poverty is the effect of the sums of money appropriated for their relief? Is it not a natural and an essential consequence of the bodily and intellectual inequality of man, that in a large and flourishing community, there should be a gradation from the height of prosperity to the depths of misery? Do not old age, sickness, misfortune, infancy, widowhood—besides the vices which are as much a part of our imperfect natures as the virtues—lead to a great amount of poverty, by the inevitable constitution of human things? If so, is it not the duty of all the members of society, according to their ability, to contribute to the relief of that poverty, which necessarily results from the organization of society? If relief ought to be given, should it not be in the most regular, best concerted and efficient way? And do the evils resulting from ill devised and ill administered poor-laws furnish any other reason against judicious laws well executed, than the evils resulting from bad governments badly administered, do against good governments well administered? We apprehend that the true and obvious answers to all these questions would go far to furnish a refutation of the popular objections against systematic provision for the relief of the poor.

No subject is treated more at length by Dr Niemeyer than that of education, and the various establishments provided for it in England. His remarks on the Bell and Lancaster schools probably contain more novelty for the German than for the American reader. Dr Niemeyer expresses very decidedly the opinion, that the system of mutual instruction is adapted only to the merest elements of knowledge, and deprecates the attempt to introduce it into higher branches. But we confess we perceive no solid ground for this opinion. Besides a few mechanical and disciplinary arrangements, which are certainly as applicable to a high school as to a primary school, and for want of which most schools suffer, we suppose the great characteristics of the Lancaster method to be these two: the em-

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ployment of monitors, whereby a multitude of pupils can be instructed by one master; and the constant keeping up of the attention, by the mode in which the exercises are conducted. Each of these methods may certainly be introduced into high schools. It has long been the practice in almost all schools, on occasion, to employ the more advanced pupils to teach the younger. We know of no reason why this may not be systematized and reduced to rule and generally applied, in one branch as well as another, or at least to the study of the languages, and uniformly as well as occasionally. The other principle, that of keeping up a constant attention, could be also applied in the study of the languages, in many respects, as in the humblest elements of arithmetic or spelling. Thus in construing, let the head boy in the class give the first word, *Cano, I sing;* the second boy the second, *arma, arms, war;* the third boy, *virumque, and the man,* &c.—In case of error, since the boys might not, as in arithmetic or spelling, be able to judge when an error was really committed, the master should first make a sign, that an error had been committed, and the boys should then correct each other, in the usual way of Lancaster schools. This might be the usual mode of recitation, without wholly excluding that now practised, which might occasionally be used to give the pupils an opportunity of exercising and showing their taste in phraseology. In like manner, in parsing, the first boy might state the part of speech; the second, the theme or root; the third, go through the appropriate inflection; the fourth state the accidents of the word in hand; the fifth its regimen, and the sixth the rule of syntax. It appears to us that, in this way, attention might be kept on the alert, as well in a classical as an elementary school, and that recitation might be made a much more searching test of proficiency. Without, however, enlarging on this subject, we may observe that Dr Niemeyer has given as a reason for the limited introduction of Lancaster schools in Germany, a circumstance, which has likewise prevented their general adoption here, viz. the goodness of the existing establishments. But since there is little doubt that in schools where only the common branches of English learning are taught, one teacher is, upon the Lancaster plan, competent to the instruction of four or five hundred pupils, it may deserve consideration whether the expenses of the schools in Boston might not be

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materially lessened, and the schools themselves as well taught by the introduction of the new plan.

The great experience of Dr Niemeyer in the business of classical education, his reputation as a writer on the subject, and the acknowledged excellence of the German schools, were circumstances which led us to look with no little eagerness toward that portion of his book, which relates to the school at Eton. Dr Niemeyer speaks of the great difficulty of getting access to the interior of the English public schools, and observes that his friends in London dissuaded him from making the attempt to visit them. This fact contrasts strongly with the readiness that exists both in France and Germany, and we may add in our own country also, to subject the daily condition and progress of the schools to the constant inspection of all, who choose to visit them. On his way from Oxford to Eton, Dr Niemeyer formed the acquaintance in the stagecoach, of the wife of a country clergyman, whose son had just been appointed an under-master at Eton, to which place she was journeying, in order to arrange her son's household. On their arrival at Eton Dr Niemeyer was introduced by the mother to the son, and under his guidance saw as much of the establishment as could be shown to a stranger in holidays.

The college at Eton consists of two courts surrounded on all sides by buildings. The wing that divides the courts forms the lodge of the provost, the office for which Lord Bacon asked—and asked in vain. Another is taken up by a fine church. Opposite this, is the lower school with two sleeping-halls, in which are seventy beds for boys on the foundation. On the fourth side of this court, is the upper school in an immense hall. Under it, is a long cloister, in which in unpleasant weather the young men may take their exercise and diversion. The second court is occupied by the apartments of the fellows, the dining hall, and library. The foundation dates from the time of Henry VI, in the fifteenth century. A provost and seven fellows form the government of the college, and appoint to the offices. They are rather to be regarded as canons or prebendaries, as they have permission to marry, and are obliged to pass only two months annually at the college, unless filling some other office there. They choose the master, the lower master, and the seventy *collegers*. Eton

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has several rich livings in its gift, and its revenues are very considerable. The provost, besides a splendid dwelling, has about £1000 sterling, and a fellow, besides being able to hold a living, has about £300 a year. The boys on the foundation are gratuitously supported, and are distinguished from the other scholars by a black gown, which they are always obliged to wear.

The scholars not on the foundation compose by far the greater part, and often amount to four hundred. They live near the college in private dwelling-houses, of which the mistresses are called 'dames.' These are responsible for the behavior of their boarders, and subject to lose the privilege of taking them, by repeated connivance at violations of the laws. The houses, moreover, are visited by the teachers, to know whether the boys are at home at the proper hours. The prices, which are permitted to be charged are all fixed. The amount for the most essential articles is about £60 per annum, which, however, does not defray more than half of the necessary expense. The vacations amount to sixteen weeks in the year.

Several of the instructers are also private tutors to individuals particularly committed to them, for which an ample compensation is given. In a word the average expence of a boy at Eton is about £170 yearly, which enables one to estimate how large a sum of money is thrown into circulation by the college.

The external appearance of things corresponds but indifferently with such an expenditure. The rooms of the students, both in and out of the college, appeared to Dr Niemeyer 'extremely small and poor,' accustomed as he was to the certainly not splendid accommodations of German free schools. The seventy boys on the foundation, have no place of abode, but in their sleeping hall, of which the disorderly and dreary aspect is compensated only by a free circulation of air through the broken windows. The furniture is throughout very deficient. In the school rooms the benches are about five inches wide, and the desks are of the plainest wood, and carry on their exterior, as do also the walls, traces of the youthful love of mischief. Tables are rarely seen in the school rooms, and no where are there marks of the neatness and elegance, which are almost universal in England. Dr Niemeyer avers that the appear-

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ance of things in many of the schools in the villages and small towns of Germany is not worse than at Eton. The fare is very plain, consisting of mutton alone the year round.

As to instruction Dr Niemeyer repeats his remark on the difficulty of becoming acquainted by actual observation with its details. He has, however, stated some facts relative to it, derived from the information collected by him at Eton, and also from an essay written by Mr Küttner, a German who resided there several years as an instructer in the college. The whole body of students in Eton is assembled in two large halls; at Westminster the whole seven classes are crowded into one. In each hall at Eton, there are three or four desks at some distance from each other, from which the different divisions are instructed at the same time, without troubling themselves about each other. Instruction is wholly conducted on the principle of tasks assigned; little instruction is imparted by the teachers *vivâ voce*, and nothing written down by the pupil, and the business of the teachers is discharged in hearing the recitations and correcting the exercises. Instruction, moreover, is confined almost wholly to the Latin and Greek languages, and in this department the chief progress is made. Dr Niemeyer observes that in other branches, in geography, history, and natural history, the English schools can enter into no comparison with the German; that foreign languages and literature are wholly neglected, and that the religious instruction is very deficient. In the study of the classics, the attention is directed rather to a knowledge of the quantity and an acquaintance with the vocabulary, than to those critical refinements, which absorb a considerable part of instruction in the German schools, and in this respect Dr Niemeyer has the candor to give the preference to the English method; as more favorable to the formation of a polite acquaintance with classical literature.

The discipline of the English public schools is represented by Dr Niemeyer as a mingled system of indulgence and severity, which, while it leaves much liberty to the pupils of settling their own little difficulties among themselves, nevertheless requires with great strictness an obedience to the prescribed laws. Dr Niemeyer having expressed his surprize at the sight of long birch rods in one of the school rooms, was informed that scarce a week passes in which one or another is not 'sent up' to the head master (who alone has the privilege of inflict-

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ing the punishment of the rod) to be flogged, 'in the way,' says our author significantly, 'that little children are chastised in Germany.' Notwithstanding this severity, however, our author observes that it would be a great error to imagine that the English schools are exempt from the disorders usually found in such establishments.

The foregoing is the amount of information contained in Dr Niemeyer's remarks on the English schools, and with it we must close our notice of his work. Without laying claim to the character of an indiscriminate observer, he is certainly entitled to that of a fair and candid one, and his work must be, by almost every class of readers, perused with satisfaction.

ART. XVI.—*Essays on Fevers, and other Medical Subjects, by Thomas Miner, M. D. and William Tully, M. D.* Middletown, Connecticut, 1823.

'Life is short, the art is long, occasion sudden, experiment dangerous, judgment difficult,' was the aphorism of the father of physic, which the experience of more than two thousand years has abundantly confirmed. The science of medicine, though among the most interesting to mankind, attracting, in all ages, the attention of all, and cultivated with nearly equal zeal by civilized and savage man, by the peasant and the philosopher, has advanced with a progress apparently little creditable to their united efforts, disappointing the benevolence of the philanthropist, and mortifying the pride of human nature. The pages of its history are too frequently the records of folly, superstition, and crime. There is scarcely a substance so virulent, disgusting, or insignificant, as never to have found a place in the materia medica, or a practice too horrid or absurd, to have been without an advocate among the countless multitude, who have been infected with the cacoethes medendi. The decrees of the empire and the thunders of Rome have been enlisted in defence of bleeding from a favorite vein; and the followers of Galen, in the enthusiasm of their wrath against innovation, did not hesitate to declare that they had rather be wrong with their master, than right with Paracelsus.

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With so much of evil, however, some good is intermixed; and he who loves his brethren with all their vices and follies, and prefers to fix his eye on the bright side of human nature, is gratified to perceive, that the proportion of the good is much more considerable, than is at first apparent. If the profession of medicine has been disgraced by hot-headed zealots, compelling, by loud nonsense and arrogant dogmatism, that regard which is often refused to real merit, it has also given to the world a multitude of benefactors, whose services attract little attention, because they are met with every where and can be had at any time. If medical skill and learning were united in the character of Paracelsus with every vice, in those of Boerhaave, Cullen, Heberden, and Rush, they were accompanied with an unusual share of the virtues of humanity. If the doctrines have been often extravagant, their evil tendency has as often been counteracted by the plain sense and caution of actual practitioners. If too many of the articles of the materia medica are useless, they are also harmless. While the most violent and dangerous produce, in prudent hands, the most beneficial results, if they sometimes do harm in those hazardous cases, in which they are most likely to be employed, surely the restoration of health or preservation of life is well worth some of that risk, which we are every day wilfully incurring, for much less important considerations.

When we compare the actual state of medicine at different and distant periods, it is encouraging to perceive that its advancement however slow, is yet certain. Some of the harsh and dangerous medicaments of Hippocrates are now reserved for occasions of imminent hazard, whilst others are altogether superseded by articles, which possess all their good, without their evil qualities. Modern dexterity and knowledge of anatomy frequently accomplish, with little pain and trouble, what the ancients could only effect by torturing force. The frequent and periodical plagues of London are now only matters of history, and few in this country have ever seen more of the small-pox, than the indelible marks, which its ravages imprinted on the countenances of their parents.

This science has had its share in the good effects of that zeal for improvement and diffusion of knowledge, which has been so generally prevailing in Europe and America for the last half century. Its advancement, to be sure, is not to be

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compared with that of its sister sciences. Its progress is still slow, and from the nature of the case, it always must be; but it has been so much accelerated by these circumstances, that it may be asserted without much hyperbole that it has been greater, during the last fifty years, than during the five preceding centuries. It must be admitted that physicians are not, yet, able in all cases, to supply an organ or a member which nature has denied, or accident destroyed—they cannot restore to the stomach, with a single miraculous pill, the tone which years of intemperance have impaired; they have no bark which can give to female delicacy of muscle, the 'vigour of the peasant's arm,' nor any preparation which can expand the chest, or extract the tubercles from the lungs, of hereditary consumption. In short they are unable, as yet, to satisfy many very reasonable expectations of their patients. But let them not despair of any thing, in an age which has seen the successful revival of the scheme of Taliacotius, and 'supplemental noses,' which are no longer fabulous.

These remarks have been suggested by the perusal of the work which is the subject of the present article, and of which we feel ourselves called upon, as the friends of truth and justice, as well as of the medical profession, to express our disapprobation. In this we are unconscious of being actuated by any prejudice or partiality. We have no medical system to support or overthrow. We are wedded neither to the lancet and hot water on the one hand, nor to opium and brandy toddy on the other. We believe in all, or either, in their proper times and places, and are ready to admit that there is a proper time and place for each. Moreover, we have no private grudge or malice against the authors of these essays. Of Dr Miner, we declare, even at the risk of arguing ourselves unknown, that we know nothing except his book, nor ever saw his name but on its pages. Of Dr Tully we have heard elsewhere, and always as a physician of skill and reputation. Neither shall we pretend to give any nice analysis of the particular mode of practice which they recommend, considering that as the province of works devoted more particularly to the subject of medicine. Our business is rather with the spirit and manner of the work, and those parts of it which relate to matters of which many of the community at large are competent judges—though we may now and then be tempted to

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hazard an observation upon such more strictly professional passages, as seem to us remarkable.

We conceive, that the tendency of these Essays is in a high degree injurious, both to the members of the profession and to the community; to the profession, by depriving them of that public confidence which is essential to their success, their reputation, their very livelihood; to the community by giving them false ideas of the practice of physic, teaching them to regard with suspicion the best concerted means for their recovery or preservation from disease, and adding new and unnecessary terrors to some of the unavoidable calamities of life. Not that we fear, that such effects will really be produced, or at least extensively. The authors deal too much in assertion to be very convincing to that class of readers who are most likely to peruse their work. But the attempt is not the less reprehensible, because it may not happen to succeed. It is time, however, that Dr Miner should be permitted to speak for himself. The following extract is from the preface.

'It is of immense importance, that the present confusion of the practice of physic, in the treatment of acute febrile diseases should be known. The quantity of extraneous matter, with which it has been encumbered, during the last fifteen years, is immense. Some author is needed of so much independence of mind, that he is not *afraid* to hazard his popularity, by publishing a true statement of the most important facts.

'Should it be thought, that he has vindicated the cause of TRUTH and HUMANITY, with a degree of zeal and ardour, bordering on asperity, he has only to observe, that he can make no apology. When he finds it asserted, on the authority of the highest names, that the Bark is rarely serviceable in our fevers;—that blisters to the head are of no use in typhoid affections of the brain; that opium, in regular and repeated doses, during the stage of febrile exhaustion is inadmissible; that the mercurial action, when moderately excited during the *preparatory* stage, is of no other service, than as a test of the natural mildness of the disease; or that continued fevers are never cured by resolution, his charity is exhausted. He can attribute these assertions to no other sources, than ignorance, obstinacy, and, what is still worse, wilful misrepresentation.' p. vi.

Now we are the last persons to be sticklers for authority in medicine, or any other science. If a man is satisfied that he is right, whilst all the rest of the world are wrong, and

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that in a concern of vital importance, we cannot blame his endeavors to enlighten his benighted contemporaries, provided they are made with modesty and decorum. Neither can Dr Miner reasonably blame us, if for want of that strong internal evidence of things, which seems sufficient for his own conviction, our *charity* for the rest of the profession should not be utterly *exhausted*. As to the correctness of the particular assertions, which have excited such indignation in the mind of our author, we offer no opinion. We leave these matters, as observed before, to medical men. But when we find the *highest names*, the names, as we afterwards learn, of Rush, Hamilton, Armstrong, Johnson, and others equally celebrated, accused of *ignorance*, *obstinacy*, and *wilful misrepresentation*, we are naturally led to inquire into the opportunities, which the accuser has enjoyed, of acquiring such superior information. And what are these?—A practice of a certain number of years, (he does not tell us how many, but probably not more than fifty,) in the city of Middletown; a city 'comprising a population of more than twenty-six hundred inhabitants,' in which Dr Tully 'cannot find, that, between the revolutionary war and the year 1820, there have been half a dozen adults sick, at one time of the same acute disease,' and 'the health of which, in general, has been greater than that of almost any place of its size on the continent.' This immense practice has been shared too with, at least one, if not more, competitors. But then there was, in 1816, an epidemic of *a dozen cases* of spotted-fever, and another, in 1820, of 'fifteen decided cases of yellow-fever, besides three, or four, which there was good reason to suppose were broken up in the forming stage.'

'With these exceptions, (the cases, to wit., of those patients, whose constitutions have been undermined, or much impaired by previous sickness, age, or intemperance, and a few malignant ones in severe epidemics,) the writer is free to acknowledge, that he never saw a *regular* case of fever, either run its course, or prove fatal, that might not be fairly attributed to obvious neglect or mismanagement on the part of the patient, or nurses, or physicians.' p. viii.

These extracts from the preface, will, in some measure, prepare our readers for an account of the work itself. It contains fifteen essays by Dr Miner and four by Dr Tully, on

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matters relating to fevers. Our limits will not permit us to attempt a separate analysis of each, nor is it necessary, since to use the words of our authors; 'It is presumed that on close examination it will be uniformly perceived that the subject' (in all the essays) 'is only placed in a different point of light.'

We shall content ourselves with noticing a few of the most prominent opinions. A leading one is that 'slow and moderate purging with calomel in the first stages, and the regular administration of opium, alcohol, and bark in the last, is the only proper *methodus medendi* in typhoid fevers,' and that the plan of thus subduing them in their early stage by calomel is entirely original with Dr Miner.

That the above method is a very good one in many cases of typhoid fevers, we allow; but, that it is the only one admissible in any, we doubt, because we find very eminent physicians sometimes recommending a different one. This disagreement of doctors may be accounted for, without supposing *ignorance* or *wilful misrepresentation* on either side, if the general term, typhoid fever, includes diseases which, agreeing in some general characteristics, are yet sufficiently different to require considerable variation in the mode of treatment, which we have sometimes suspected to be the real state of the case. Neither is the originality of the plan so obvious to those of us, who are not so well skilled, in the minute shades of difference between the practice of different authors. It seems to us that Dr Hamilton recommends purging, and that sufficiently slow and moderate, and also that he uses sometimes calomel and sometimes other medicines for the purpose. Armstrong and Johnson give calomel combined with opium, as well as our author. Chisholm and Warren long ago taught to use calomel and opium till the mouth was affected. In fact, there is hardly a modern author, of our acquaintance, who does not recommend these articles, in some form or other, as a part of the treatment of fevers, whether typhoid or not, or a physician, who does not use them. But it is clear, that they do not use them, in the same manner, as Dr Miner, or else they have different forms of disease to deal with; for, in what other way, can the Doctor's extraordinary success—in all cases but bad ones—be accounted for.

A peculiar excellence of our author's plan is, that, *in proper hands*, for that is very material, and with a little variation,

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it will cure *typhus mitior*, as well as *gravior*, putrid sore-throat and lung-fever, measles, dysentery, rheumatism, every low acute febrile disease, marasmus, croup, yellow-fever and dropsy in the head, and we doubt not, that if there is any other disease, which the Doctor forgot to mention, it will cure that also. Another notion much insisted on, in these essays, is that all the diseases in Connecticut, and probably in the United States, for the last fifteen years, have the asthenic diathesis. We have not the clearest ideas of the proper evidences of *sthenia*, or *asthenia*, in any particular case. Perhaps all cases that require Dr Miner's plan of cure are asthenic; on this supposition, this doctrine of the change of diathesis may be an example of the manner of 'placing the subject in a different point of light.'

The indignation of Doctor Miner, like that of Luke Lundin, is particularly excited by 'those cursed old women, who take currently and impudently upon themselves to act as advisers and curers of the sick, and interfere with, disturb, and let, the regular progress of a learned and artificial cure.' He states that, 'in the whole course of his practice in typhus, of all who have applied within the first forty-eight hours, after the *obvious access* of the disease,—he is *pretty confident* that not one has proved fatal, in which the patient had not previously been tampering with emetics and cathartics.' p. 31.

For this grievance we can offer the Doctor nothing but compassion, fearing that any attempt to remedy it will always prove ineffectual. Most people will admit that it would be a great deal better—for the faculty—if mankind would never take any measure, respecting their health, without applying to the regular sources for advice. It must also be granted by all, but those abominable infidels whom we put out of the question, that many would thus escape severe diseases and premature death. But we are a self-willed and short-sighted race, and nothing but adversity will whip us into wisdom. Some of us are delayed by an habitual tendency to procrastination. Others by the absurd proverb, which inculcates the 'danger of dealing with the Doctor.' Others again are deterred by a narrow-minded consideration of the *honorarium*, which the vulgar call a *bill*. In short, from one cause or another, we often neglect the opportunities, which are always open to us, of avoiding a large proportion of the ills that flesh

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is heir to. As it sometimes happens, and, we should imagine, not unfrequently in a city so salubrious as Middletown, that men escape, notwithstanding such unjustifiable imprudence, with very slight indispositions, they acquire such hardihood by impunity, that, nothing, short of yellow-fever, will recall many of them to a proper sense of the duty they owe to themselves and their friends, of consulting the faculty, on all possible occasions. Nothing but this will place before their eyes, in its true colors, the impropriety of allowing their wives, mothers, and nurses to flatter them with herb teas, or practice upon them out of Buchan, or Townsend, or the still greater enormity of recommending to others, what they honestly, but ignorantly, believe to have been beneficial to themselves. The world will be much altered, when its inhabitants neither give nor take advice without due consideration. Nor can either Dr Miner, or we, ever hope to see the time, when men will not sometimes act as their own tailors, their own cooks, and their own physicians, at the risk of bad clothes, bad dinners, or bad health. We could even, if necessary, offer some arguments in defence of occasional practices of this sort, and that without implying any disparagement to the brethren of the thimble, the ladle, or the lancet, or their several arts, all of which we respect and honor. But we reserve the result of our researches into this matter for some future opportunity, and proceed to the consideration of the doctrine, in Dr Miner's second essay, that medical authors are rarely practical men; that they represent diseases, as much milder than they really are; (and if they do, heaven keep us from the reality, when the descriptions of diseases, in any medical book, are enough to make a common man's hair stand on end;) that their practice is frequently (that is, we suppose, when, by any accident, they happen to be practical men) very different from their instructions; and that their personal experience can teach them little of the real difficulties of medicine, because that experience is confined to hospitals. As if there was any difference between the practice of physic in a hospital, and a private chamber, except that, in the former, the most formidable cases are always admitted in preference to milder ones; that the patients, the nurses, and the medicines, being all more completely under the control of the physician, it is proportionally easier for him to carry into effect his remedial processes, and of course to form

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a more certain judgment of their real merit; that a man can often see, in the fever-wards of a large hospital, more cases of that disease, to speak within bounds, in one year, than the mere family practitioner can see in twenty; that he can, in such a situation, spend a life, in studying the phenomena of a single species of disease, instead of being distracted by an endless variety of maladies; and lastly, that, as every step of his progress is liable to be watched and criticised by a crowd of students and medical men, he is deprived of those facilities of concealing his real processes, or skreening his mistakes, which are so abundantly afforded by private practice. In plain terms, our author, in this essay, accuses such writers as Sydenham, Cullen, Rush, Hey, Armstrong, Hamilton, Clutterbuck, and Johnson, either directly, or by very obvious implication, of gross deception; and roundly asserts, that they were deterred from attacking the popular opinions of their day, by a mercenary regard to the general circulation of their works. We trust that such charges need no other attempt at confutation, than the simple statement of them. After perusing this essay, however, we feel ourselves bound to acquit the writer himself of any suspicion of this supposed besetting sin of medical authors, an undue regard for public opinion, when we find him deciding *ex cathedra*, that Fordyce, after a practice of twenty years, in a hospital containing an average of nearly four thousand patients, was yet unable to distinguish the paroxysms of a dangerous fever, from hysteric fits; that Dr William Hunter, 'with all his learning, must in acute diseases, have been but an indifferent practitioner;' and declaring in a grave scientific work, his belief in the truth of the shocking jest, 'that a medical diploma is sufficient to suspend, through a whole kingdom, the penalties annexed to a violation of the sixth commandment.'

In the eighth essay, entitled EXPERIENCE, we are told 'that a prominent cause of the deterioration of medicine, in the United States, is the combination of the two professions, physic and surgery.' The principal argument in support of this position is, that a greater number of the symptoms of surgical diseases being objects of sense, these diseases admit of greater certainty of judgment and practice, than those which are more strictly medical. The surgeon, therefore, will acquire a habit of deciding hastily in obscure disorders, and

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without taking into view all the facts relating to the case. Now it seems to us, that if a surgeon brings to a medical case nothing but his knowledge of surgery, he cannot but perceive it to be unlike those with which he is accustomed to deal; and, if an honest man, he will endeavor, by studying the symptoms, reading, consulting his friends in the profession, in short, by every means in his power, to ascertain its nature and the proper method of treatment. The more medical diseases he meets with, the better he will be convinced of the difficulty of understanding and properly managing them; that is, he will consider medicine, in the same light, in which it has been regarded by all its judicious professors, from the time of Hippocrates, who, *en passant*, was both physician and surgeon, to the present day, as a science of great difficulty, and not to be practised without care and deliberation. Another argument is, that 'the profession of surgery has, time immemorial, been second in rank to that of medicine.' The implied inference from this, is that they cannot be placed on a level, except at the expense of the latter. This, however, is the fable of the Lion and Man, especially when we recollect the language sometimes made use of by the distinguished surgeons of Europe, in relation to this subject. Other arguments are drawn from the difference, between the alleged dashing and desultory manner of surgical, and the slow and steady plan of medical practice, which it would be out of our prescribed limits to discuss. It seems to us, that all this reasoning is of little weight at the present day; that it can apply only to the surgeons of another age; the barber bleeders, itinerant lithotomists and cancer cutters; the chirurgeons, or workers with the hand; in short, to those mere mechanical operators, of which the race is almost extinct, as far as we know, in civilized Europe and America. Surgery is now a noble science, which, for the last half century, has given employment to some of the most philosophical minds; the full sister, if we may so speak, of medicine. The distinction between them, is, in fact, an artificial one, a species of division of labor, which can only be carried into complete effect amid the dense population of European cities. The innumerable necessities of the millions of London, can only be satisfied by dividing the duty amongst a host. Physician and surgeon are but the names of grand divisions, the classes and orders of the healing tribe. The ear,

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the eye, the teeth, the stomach, every organ of the human frame, finds there an appropriate guardian. The occasional deformities even of the inorganic tipping of its extremities afford a name and a support to the humble art of the chiropodist. One man presides over the birth of the mewling infant, another conducts it safe through the perils of the cradle, and a third watches its advancing childhood; the accidents of youth employ a fourth, a fifth encounters the graver maladies of manhood, a sixth ministers to the peevishness of the lean and slippered pantaloon, whilst the seventh goes through the decent ceremonies of the last scene of all, and pays his cold and formal duties to unconscious imbecility. Multitudes are thus enabled to devote their lives to the observation of a single variety of disease, and the results of their eager competition and immense experience, the wisdom derived alike from their failures and success, is transmitted to us in 'bales and hogsheads.' But, even in Europe, the mere medical man is comparatively rare. The physician and accoucheur of the village is also its surgeon. The diseases incident to the fleets, the armies, and the colonial establishments of Britain, are managed by surgeons. One of the greatest improvers of physiological science, (upon which alone any rational medical theories can be founded,) whom the world has known, was John Hunter, a surgeon. Finally, whatever may be the efficiency of the cause in certain circumstances, we are unprepared to admit the reality of the effect, alleged by our author,—a deterioration of the practice of medicine in the United States.

We cannot leave this essay, without noticing the very logical inference, that, since our author has never failed in more than *one* instance, to cure consumption, when a fair opportunity has presented itself, the great mortality from that disease, in some of our large cities, must be owing to the mal-practice of physicians. When we consider this remarkable success, and reflect that the remedies recommended by him have been so powerless in other hands, we cannot but suspect that there is something more in all this, than meets the eye. We should be sorry to suspect so frank a person as Dr Miner, of any underhand proceedings; but unless he has obtained the secret of the Balm of Gilead, or something of that sort, we cannot tell what to think of it.

The ninth essay, on the varieties of the pulse, would have

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done honor to the acuteness of Solano, or Nihell. Among the different kinds of arterial vibration enumerated by our author, we were particularly struck with the designations of three, the *gaseous*, the *suffocated*, and the *shattered*. Those physicians, whose sensibility of finger is not sufficiently erudite to perceive some of these nicer modifications—and who must, therefore, fall under the same condemnation with Dr William Hunter, that of being 'but indifferent practitioners in acute diseases,' will perhaps find consolation from the following opinion of the amiable and experienced Heberden, 'all who begin the study of physic, must find in the doctrine of the pulse, as collected from medical writers, a great deal which they do not understand; and all, I imagine, who have advanced a little in the practice of physic, can have very little doubt of its not being understood by the authors themselves.'

We looked into the twelfth essay, in which the author 'hopes that nearly all the rubbish, under which the subject of crisis has been so long buried, has been removed,' with some curiosity. We find it there asserted, that fevers certainly have critical days. But as a host of authors, with Asclepiades and Celsus at their head, have asserted the direct contrary, and, moreover, presumed to ridicule the notion, as without any other foundation, than the Pythagorean doctrine of the power of numbers, and as the case seems to admit of the evidence of experience alone, we imagine that the fevers of Middletown are more strongly marked, in that particular, than many others.

In the second, or Dr Tully's part of the work, our limits will only permit us to analyze the account of the cases of yellow-fever, which occurred in Chatham in 1796, and those before alluded to, which occurred in Middletown, in 1820. Every fact relating to the question of the supposed contagious nature of yellow-fever, is at once so interesting and important to the community, that we trust our readers will excuse the length of the extract which we shall make, in relation to this subject. The history of the yellow-fever in Chatham, after premising that the town 'is remarkable for its salubrity, and exemption from endemic and epidemic diseases,' is as follows.

'In the month of August, 1796, during the prevalence of the usual general health in the village and adjacent country, when neither simple fevers, dysenteries, nor choleras, had any existence in that quarter, and when there was nothing peculiar in the

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weather, unless perhaps it might have been considered as rather warmer and dryer than usual, the brig Polly, Russel Doan master, owned by Bulkley and Doan, arrived from Cape St. Nicholas Mole. Her outward cargo consisted of oats and other grain, which was sold for cash; so that she returned merely in ballast, and in as cleanly a state, as such vessels usually are, after a voyage. On her homeward passage, Mayhew Tupper, one of her crew, died on board with yellow-fever. The clothes, which he wore while sick, were thrown overboard, though a sail, upon which he lay when he died, was retained. The vessel afterwards underwent a sailor's washing, which, in this instance, consisted in scrubbing with cold sea-water, and the subsequent application of vinegar.

'On the arrival of the brig at this landing, Newell Hurd, a young man of about eighteen years of age, and John Ranney, were employed to assist in clearing her out. They were known to handle the sail on which Tupper died. At the same time Sarah Exton, wife of one of the crew, and Elizabeth Cook, who lived in the same house, were employed in washing some of the sailors' clothes. A few days afterwards, these four persons were attacked with yellow-fever. In about five days, viz. on the 29th of August, Hurd died, and within twelve hours, Ranney and Sarah Exton. The alarm in the village was already so great, that Sarah Exton was left alone in the night, and was found dead in the morning, with her infant child at the breast. Elizabeth Cook was soon added to the number of victims; and in quick succession, the infant child of Sarah Exton, together with Lucinda Norton, a tailoress, and member of the same family, who had been employed in mending some of the sailors' clothes, and Elizabeth and Rebecca Carey, daughters of Elizabeth Cook, who were immediately taken sick, and survived but a few days. The whole of these cases commenced and terminated within the space of a fortnight. Sometime during their existence, Gershom Lord, who acted in the capacity of clerk to one of the owners of the vessel, who had been on board of her, but had had no intercourse with the sick on shore, was taken with the same disease, and after a short but a severe illness, recovered. Beside this there were two or three other imaginary, or at most light cases, among those who had intercourse with the vessel, which soon recovered. Sometime while the brig was lying at this landing, but whether during the existence of any of the other cases, or subsequently, I have not ascertained, two young men, passing along the river in a boat, in the night, hauled along side the brig, and slept till morning in her cabin. Soon after they reached their father's house, both sickened with yellow-fever, and one died, but the other recovered.' pp. 359—361.

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Accounts of this kind are always to be regarded in the light of depositions, and inferior, as evidence, to the oral testimony of persons who may be subjected to cross examination; since the deponents, however honest and impartial, may often omit circumstances, which, in their view of the subject, are of little consequence, while in another, they are highly essential. We do not mean to dispute about names, or deny, that the informants of Dr Tully, for we have this account at second-hand, were competent judges of the real nature of these cases, or that they were truly instances of yellow-fever. We are also willing to admit that they all originated from the vessel in question. But we deny the certainty of their having been imported, in the technical sense, which the word seems to have acquired in relation to this disease. Our opinion is that putrefying vegetable matters will frequently cause yellow-fever in hot and dry weather, whether they be in the hold of a ship, or the cellar of a house, in a dock, a kennel, or a marsh. We suppose, and we have a right to suppose, though we have no opportunity of asking the question, that a vessel, which had carried a cargo of grain, whether in bulk, or not, to a climate within the tropics, in the month of July or August, did contain and did bring home a very considerable quantity of such noxious matter among, or beneath her ballast, and was yet in as cleanly a state, as such vessels usually are after a voyage; and we have no doubt, that the informants of our author would have found this to be the case, if their attention had not been so much attracted by the 'sail, on which Tupper died.' Of the eleven cases, five are stated to have exposed themselves to the deleterious effects of this miasma, by going on board the Polly, whilst it is nowhere mentioned that the other six did not. On the contrary the following reasons afford a strong probability, that they did. First, that a vessel newly arrived from sea, is always, in a small village, an object of curiosity and interest to the inhabitants, especially the lower classes, and those who reside about the landing-place. Secondly, we are told, in the next essay, that the people of Middletown 'were more or less in the custom of visiting vessels from the West-Indies, for the purpose of obtaining fruit, &c. &c.' And we presume the people of Chatham had the same custom, since nothing could be more natural. Lastly, these six persons were among the most likely of all to follow this practice,

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being the relations or intimates of the crew, or those employed about the vessel, apparently tenants of one house, and the most probable party in the world to take a walk on board the brig after tea in a warm summer evening, and enjoy the air of the river. There is nothing strange in all this, nor in their dying soon after of yellow-fever. The thing is unhappily too common in many of our seaports. No violent suppositions are necessary to reconcile this account with our opinion of the non-contagiousness of this fever. The conclusion to be drawn from it seems to us too obvious to be mistaken, viz. that no more persons from the shore, than are absolutely necessary should be permitted to go on board vessels in such circumstances, till they have been thoroughly cleaned and ventilated, and that every person already there, who can be spared from this hazardous duty, should be not only permitted, but exhorted, and, if necessary, compelled to seek safety by flight to a less noxious vicinity. We would direct the attention of the reader to one other circumstance only in this account and the succeeding part of the essay, we mean the inhuman desertion of the sick, which will always take place, to a greater or less degree, wherever the doctrine of contagion is the popular belief.

Of the fifteen cases detailed in the account of the fever in Middletown in 1820, the two first appear to have arisen from circumstances, not common to the remaining ones. We shall abridge the account of them thus. Fargo, a common sailor, came from Savannah, at or about the time, when yellow-fever prevailed there. He arrived at New-York, the 25th of May, and in the evening of the 27th was first taken ill, 'in consequence, as he supposed, of some over-exertion in unloading his vessel.' He was well enough on the 30th to sail, in the schooner Antelope, for Middletown, where he arrived, the 3d of June. He was found at that time to be affected with yellow-fever, and died on the eleventh, eight days after. Capt. Vail, of the schooner Antelope, in the latter part of May went to New York, where he remained with his vessel, in all about a fortnight, chiefly at Burling-slip, though she was hauled one day to Coenties'-slip. 'On being asked whether any vessels from foreign ports lay in his vicinity, he at first, thought there was none; but on farther consideration, he recollected one from the West-Indies, with considerable fruit on board, where he

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thought Fargo had been.' Capt. Vail returned to Middletown with Fargo, as stated above. While on his passage he began to be ill, and was seen, immediately after his arrival, by Dr Tully, who considered his disease to be yellow-fever. The case is stated to have been mild; he began to recover after fourteen days. The Antelope appears to have been a perfectly clean vessel. Several other persons came from New-York in her at the same time, who were not affected with the fever.

We conceive that these cases may he explained, without supposing Fargo to have brought the disease from Savannah and communicated it to Capt. Vail. Indeed we are not sure that this is the opinion of Dr Tully. He leaves it unsettled whether it was originated in this way, or by the vessel from the West-Indies. We believe that the fatigue of loading, unloading, and hauling vessels in hot weather from one wharf to another of a city where we have good reason to think domestic causes of yellow-fever frequently exist, (and there are few large ports in the Union, in our opinion, without them,) will occasionally produce that disease.

Of the remaining thirteen, three were ascertained to have been on board the brig Sea-Island, from St Jago de Cuba, which is described as being 'in an extremely foul and offensive state, from a quantity of putrid corn and other decomposing matters behind her ceiling.' It is not certain that the others had been, but very probable, for reasons similar to those alleged above in considering the cases at Chatham. All the persons were, from their acquaintance with the crew, local situation, and other circumstances, very likely to do so; and it is observed, that while the Sea-Island lay at Middletown, there was the freest communication between her and the shore. It is further stated, that after the fever became alarming, there was an opposition, on the part of many of the inhabitants, to any investigation of the fact of individual communication, so violent as to account for the difficulty of proving with respect to most of the cases, what was in itself sufficiently probable. We shall not enter into any analysis of the particular cases. Doubts might be suggested, whether *all* these were really yellow-fever. But we abstain from criticism of that sort, since the opinion of a reputable physician, on the spot and acquainted with the appearance of that disease, is evidence which it would be arrogance to distrust, on the sole ground that his ac-

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count of it may not happen to agree entirely with our notions. We are well aware that fevers intrinsically of the same character and of course to be included under the same general denomination and requiring similar modes of treatment, may yet vary very considerably in the course, the degree, and the nature of some of their symptoms. A matter of fact, which we would recommend to the consideration of committees of health, especially those, if such there be, who think themselves warranted to vote down the existence of a disease, because it was not originated according to rule.

We have treated parts of this work, with something like levity, but we desire in conclusion to address the authors, and more particularly Dr Miner, in the language of grave expostulation. We particularize Dr Miner, since our greatest objection to Dr Tully, is, that he has authorized by his association in this work, what, we believe, he would never have written. We desire them to reconsider such passages, as the following:

'It has been calculated, that within a hundred years from Sydenham, the indiscriminate use of the lancet, and the antiplogistic regimen, so highly recommended by him, was the cause of more premature deaths, than all the wars that ravaged Europe, during that period.' p. 13.

Who ever did, who ever could make such a calculation? The very attempt would be alike impious and preposterous. Yet this monstrous hyperbole is set down without any qualification, among the axiomatic sentences, which commence the work, and is followed, in the very next sentence, by a similar charge against the practice now followed 'by the greater proportion of practitioners.' We ask these authors, what would be their indignation, if their medical brethren should hurl back, with equally justifiable virulence, the charges of ignorance, obstinacy, skepticism, felony, and murder, with which they are repeatedly assailed in these essays? What will be their own remorse, if increasing years and experience should change their opinions? And has the history of medicine, and the biography of eminent physicians, persuaded them that such change is impossible? No men seem better aware of the uncertainty of medical science and the proverbial variance of its theories. Can they draw from this knowledge no lesson of modesty or charity? One would suppose, from some of the language of these essays, that the physicians of the present day, except

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those few, who, as our author expresses it, 'have not bowed the knee to Baal,' were a combination of ignorant blunderers and unprincipled hypocrites, whose god was mammon, whose very 'cures are escapes,' and by whom 'hecatombs are annually sacrificed;' and that 'the practice of physic is the last profession, that an honest man would wish to engage in.' But will the world believe this of those, whose privileged feet must enter the sacred *penetralia* of domestic life; who must continually become the confidants of their follies and their faults, and on whose skill and integrity they must so often rest the preservation of their health, their honor, or their lives. And can no honest man wish to engage in a profession, which is forever holding up to view, the policy of benevolence and sympathy, of tenderness for the health and happiness of his fellow-creatures, and charity for their weaknesses,—which connects his daily avocations in the strongest manner with the exercise of the social feelings, and enforces the duties of morality by the powerful sanction of immediate interest? Will men, we repeat, believe these accusations? And if they will not, need we intimate to the accusers, what will be believed of them. Our authors inform us, that they found it expedient to omit several essays in this volume, which they hope soon to publish in another. But, if these are of a similar character to those before us, we entreat them for the credit of the profession, of their country, and of human nature, to refrain from their publication.

Art. XVII.—*The Principles of the Holy Alliance; Or Notes and Manifestoes of the Allied Powers.* London, 1823.

These papers are well calculated to excite reflection in the mind of every liberal statesman and national jurist. They afford the strongest indications, that have yet been given, of a settled determination on the part of the allied monarchs, to preserve by force the ancient system of government, from any reformation; unless proceeding from a quarter, where, hitherto, every thing savoring of an innovating spirit has been carefully repressed, and where all reformers must necessarily meet with

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their natural and eternal enemies. If the governing principle of these documents be once established—that all reformation originating with the people, or caused by their interference, is inconsistent with the welfare and repose of Europe, and as such, is to be put down by the combined arms of foreign powers; we may indeed abandon all hope of any melioration in the condition of mankind; except through the struggles and throes of a convulsion not inferior in horror and bloodshed to the French revolution. Instead of partial reformation confined to each particular kingdom and effected at different periods; the peace of the world will be destroyed by a total and general revolution, in which the aristocratic and liberal parties throughout christendom will be engaged in active hostility. The only effect of any combination, like the holy alliance, to put down the spirit of revolution without extirpating its causes, must be to retard the progress of innovation, until the revolutionary excitement shall have accumulated beyond the power of resistence or control. To expect that this result will be averted, by the voluntary surrender on the part of the privileged orders of their immunities, is to hope for an event contrary to all experience. It is to suppose a change in human nature to be easier than a political revolution. The natural tendency of all aristocratical and monarchial institutions is to augment the power in the hands of the rulers; and while the wheels of government move on without interruption, and the splendor of the privileged orders is maintained at the expense of the laboring portion of the community, they are not sensible of the misery of those beneath them. They so seldom come in contact with the inferior classes, that they feel no sympathy in their condition, and before it is displayed by a surrender of any of their privileges, they must be reminded that government was established for something besides the enjoyment of kings and nobles, by complaints that never proceed but from a desperate people, and are conveyed in a voice, whose very tones speak force and violence.

To insist, therefore, that all reformation must proceed from the monarchical part of the government, (a proposition which of itself presupposes a consciousness of imperfection rarely if ever felt,) is sufficiently absurd. But when to that is added the monstrous maxim, that all innovation proceeding from the forcible interference of the people with their rulers, is to be

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crushed by the armies of surrounding nations, they together form a theory of despotism, at once subversive of the laws of nations and the best hopes of mankind. The political regeneration of Europe is placed at a boundless distance, and is only to be expected, when by the gradual operation of those causes, that have so much enlightened the public mind in the old world within half a century, the oppressed in all civilized kingdoms shall be arrayed in open opposition to their oppressors. At what time this state of things shall take place it would be imprudent to prophesy; but that this crisis is not far distant, may be easily foreseen by all, who have examined the present political and social state of Europe with the slightest attention. The general diffusion and increase of wealth, the extension of knowledge to the lower classes, and the great improvement in the condition of men in almost every particular, had, in the infancy of the present generation, rendered the actual situation of society inconsistent with its existing civil institutions. Deriving their origin from the warlike barbarians, who established the feudal system, and among whom military science and courage were the only requisites to high station, and the best lance and the strongest arm were the most indisputable titles to rank and property; they necessarily became unsuitable to a commercial community, in which industry, enterprize, and economy were regarded as the best qualifications to ensure respect and power. The ignorant warriors who overran Europe during the sixth and seventh centuries, and who laid the foundations of most of its civil institutions, as conquerors of the countries they invaded, according to the prevalent code of war, took absolute possession as in property of the land and its occupants. They sought to transmit their power to their latest descendants, by confining their attention to warlike pursuits, and provided for their support by appropriating to themselves the productions of the soil and the labor of its inhabitants, who were divided among the conquerors as appendages to the land. These claims were at first maintained by the same force, with which they were acquired, and after the victors and vanquished were amalgamated into one community, by the juridical powers assumed by the seignoral lords within their respective domains. They were thus interwoven as it were into the constitution of society. This assumption of rank and superiority was not resisted, by

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the dispirited and vanquished cultivators, happy in the preservation of their lives; and the subsequent generations growing up under that system, (which was tolerably well adapted to the savage state of the world,) were not tempted to innovate upon it, by those provocatives to an inquiring and adventurous spirit, which are afforded by modern society. On the contrary, they continued to perform the task assigned to them in the social system, viz. that of laboring for the benefit of their feudal lords, without profit or reward. The hereditary claim of the nobility to these unpurchased and unmerited services, could not long exist in any except a military community. The necessity under which the cultivators then labored of seeking protection against the barbarous hordes, which the northern regions were constantly pouring forth to devastate and plunder the more fertile countries of the south, induced them to acquiesce in the exorbitant price, that was demanded for the services of their military lords. A respect too was felt by the peasantry for a nobility, who displayed in so eminent a degree the attractive qualities of a warlike race, and whose offspring stimulated by their fathers' example, and the manners of the times, were early initiated and excelled in those exercises which exalted their ancestors to their high stations. By these means, the notion of hereditary rank was justified, and the privileges of the feudal aristocracy were sustained by popular sentiment, long after the qualities, which had earned and preserved those immunities, had become less necessary for the rulers of a nation.

The laws of primogeniture and of entails all tended to the same object, viz. to perpetuate and augment the power of the privileged classes; and whilst the mass of property consisted of land and its raw productions, their privileges rested upon the sure foundation of enjoyment and ability to maintain it. Their tenants, who belonged to them by law and obeyed them from habit, formed a large portion of the community, and with the courage and military skill of their lords to direct them, would have easily overpowered those inhabitants, who felt disposed to resist their authority. In a society thus constituted, power must have become concentrated in the hands of a few; where it would be augmented until it was rendered intolerably burdensome to the rest of the community. Thus in most of the nations adopting the feudal system, we find the nobility

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claiming to exercise privileges inconsistent with the very end of society, while the cultivators of the soil, or the serfs, were reduced to a condition, but little if any better than that of domestic cattle. From this state of things the political institutions of Europe derive their origin. Here we see the beginning of the privileged classes, of their independent and conflicting courts of judicature in the same kingdom, and of those feudal institutions in general, which, by the progress of society, have been rendered such insufferable abuses in modern Europe. The institutions that were well adapted to a time in which agriculture was the chief productive art, and war the chief end of government, were no longer tolerable, when the manufacturing and commercial arts had become the main business of men, and governments devoted their efforts to develope the resources of their respective countries. The great amount of real property, which was monopolized and withdrawn from general use by the nobility and the church, (enriched as it was in the dark period of religion,) was also at variance with the spirit of an age, in which an active circulation of capital was required by the habits of the community. Many efforts have been made to reform these abuses, and to render the political institutions of the old world more conformable to the advanced state of society. The barriers, behind which the hereditary aristocracy had intrenched itself, have been partially destroyed, and individuals, who had obtained wealth by commerce, or influence by talent, have been received into its ranks, thus conferring splendor and strength upon that body, to which they thought it an honor to be admitted. The real property of the country has been rendered the subject of commerce, and a general revolution has become manifest in the jurisprudence of Christendom. But still most of the obnoxious institutions remain. The mass of real property on the continent is placed beyond the reach of commerce, by the great wealth of the privileged orders, and by the independence of the two great landholders, the crown and the church. The nobility still exercise privileges inconsistent with just and equal laws, even when the qualities which elevated them to rank are no longer peculiar to that class, and other requisites are demanded for public men, in which they are still more deficient. In many countries independent and seignorial judiciaries are tolerated; a system of partial and unequal taxation is preva-

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lent, and the whole face of society presents the revolting spectacle of the civil institutions in open or secret hostility with the habits and wants of its members. The great spring that has been given to the public mind by the American revolution, and to productive industry by the vast improvements in machinery within half a century, has contributed to place these in still stronger opposition. The undefined and general feeling of dissatisfaction, that slumbered without any specific object, has grown by the operation of these causes, and by the opposition of the advocates of the ancient order of things, into a settled and active hatred against all the institutions originating in the feudal system; until we find the absolute governments in alliance for the purpose of forcibly supporting the establishments that the friends of liberal principles have determined to abolish.

The principles promulgated in the manifestoes of the allied monarchs will draw the line of demarcation between these parties more distinctly. If their conduct, since the downfall of Bonaparte, had not already convinced, these documents must convince every person who values political freedom, that there is no safety for the advocates of liberal doctrines in any corner of Europe, while the league between the continental despots subsists unbroken. This conviction will produce a sympathy and correspondence between the friends of liberty in every country, that must swallow up all local and even national attachments, and lead them to unite against the holy alliance, and may probably bring on the final contest sooner than it would otherwise take place. The war against Spain, and the state papers justifying it, proceed upon the simple *axioms*, that the monarchical branch of the government is the only part that is to be regarded as sacred, that it is beyond the reach of reform, and that all political innovation can rightfully proceed only from the free will and voluntary grant of the sovereign. From these undeniable maxims, as they call them, they draw the corollary, that any violation of them may be punished by the military interference of the adjoining kingdoms, supported by the whole force of the alliance. All pretences of danger to their own quiet from the intrigues of the new rulers are laid aside as unnecessary to disguise their designs, and the plain principle of interference with the political constitution of the country in which the reform has been adopted, on the

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ground of an innovation against the royal will, is unequivocally advanced. In this enlightened age, is this monstrous proposition, which heretofore has been scarcely heard of but in the adulatory address of some wretched court parasite, for the first time inserted in the public manifestoes of civilized monarchs, and sought to be engrafted upon the national law of Europe. The allied powers are united to support it, and it must of necessity reduce the liberals in all kingdoms to make common cause against them. The war is waged not against revolutionary Spain alone, but against the free principles of government in that, and through that in all countries. The alliance aims at the destruction of the British as well as of the Spanish constitution, and considers them both as equal nuisances, and to be abated in the same manner, as soon as circumstances will warrant the attempt. That we may not be accused of precipitancy in assenting to this conclusion, we will proceed to lay before our readers the circumstances under which the holy alliance was formed, and to examine the principles promulgated in its official documents, and the acts authorized by the parties to that league.

The first twelve years of this century may be regarded as an era in the political history of the world. The ancient governments of Europe had found the principles of the French revolution too powerful for their means of resistance. Aided and developed by the extraordinary genius and energies of Bonaparte, they had overspread christendom, shaking the foundation of thrones, paralyzing the strength of the privileged orders, and literally 'with fear of change perplexing monarchs.' The feudal system was overthrown in France, and by its downfall in that kingdom a fatal blow was given to all institutions of the same family in other countries. The invasion of Spain, though unjust and indefensible, was not without some good effects. The inquisition was abolished, together with the commercial monopolies, the unequal and oppressive imposts, and the independent and seignorial courts of judicature. Like a fire that had passed over the country, though it had destroyed vegetation, it had given activity to the soil and purified the atmosphere. The Spanish colonies were affected by the same event, and the destruction of the government in the mother country also severed the unnatural chain which bound them to Europe. The commercial supremacy of Great Britain trembled on the verge of ruin,

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and it seemed as if a new and sounder state of things was about to grow out of the convulsions of France and the injustice and violence of the master of christendom. This happy consummation could not indeed be expected, while, in full possession of the resources of his empire and of absolute power, Napoleon went on in his career of usurpation and aggression upon the surrounding kingdoms. When, however, he had met with so severe a check in Russia, and subsequently, by the rising of the German people, had been compelled to retire beyond the Rhine even to his capital, the allied monarchs might have dictated a peace, that should have put it out of his power again to disturb the quiet of his neighbors, while the rights of the French nation were respected. By this course they might have secured the lasting tranquillity of the civilized world. The people of France would have been unwilling to enter the lists with combined Europe a second time, and Napoleon would have been obliged to listen to their entreaties for an interval of repose. The privileged orders and crowned heads would have felt the necessity of respecting public opinion, while the people would have been contented with the great improvement in their political condition; and the benefits resulting from the partial destruction of the feudal system, would have remained to compensate mankind for the temporary miseries of the French revolution.

But the heads of the coalition seemed incapable of profiting by the great moral and political lessons that had been presented by the events of the preceding twenty years; or they had acquired knowledge only to misuse it. The demands of the allies were augmented in proportion to the diminution of the power of Bonaparte, until they lost their moderation in the intoxication of success, and undertook to impose a family upon France, which was the abhorrence of the majority of the people, as associated with the burdens that they had shaken off at such an expense of lives and property. From affirming that they had no intention or desire to interfere with the internal concerns of France, they proceeded to declare, when at Frankfort on the Rhine, in December, 1813, that 'they would not lay down their arms until the political state of Europe should be reestablished anew, until immovable principles should have resumed their rights over vain pretensions.' In this document was first displayed a spirit totally different from that in

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which they had until then prosecuted the war. The independence of Europe, the unjust violence and grasping ambition of France were not spoken of; but a new proposition was advanced, which could not be comprehended, until explained by subsequent events. On the first of March, 1814, having advanced into France with every prospect of ultimate success, the allied powers entered into a treaty at Chaumont, in which they bound themselves 'never to lay down their arms until the *object of the war, as they have agreed upon it among themselves*, should be fully obtained.' In the fifth article of the treaty they spoke of consulting, in the moment when peace with France should be concluded, upon the means necessary to preserve the peace of Europe. This treaty, which may be regarded as the basis of the present public law, or legitimate doctrines of Europe, was to endure twenty years. For what purpose it was formed, and for what objects additional concert was premeditated, can be understood only by attending to the subsequent acts of the high powers. The object that was obscurely hinted at in the Frankfort manifesto, they deem themselves strong enough to acknowledge when at Paris; and they there declared, that they would not treat with Napoleon, nor with any of his family, and 'that they respected the integrity of France, such as it existed under her legitimate kings.'

This declaration plainly evinced their resolution to deprive the French people of their right to establish their own government, so far as to render the abdication of Bonaparte essential to the peace of his empire. This resolution was plausibly defended on the ground that the inordinate ambition, great genius, and unexampled energies of that man, had rendered his possession of power incompatible with the repose of Europe. Still they cautiously avoided any thing resembling dictation to the French nation of the dynasty to which it must submit. The public mind was not yet prepared for the development of their ultimate designs, and a too open declaration of their principles might have caused a reaction that would have been dangerous in the extreme. The battalions of Bonaparte, though weakened, were not dispersed; the national guards still held their arms, and, in the midst of a brave and armed people, the bare proposal of forcing a constitution and monarch upon them might have roused a spirit that would have proved fatal to the projects of the holy league and restored the fallen

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fortunes of Napoleon. Caution was therefore necessary, and duplicity, in conformity to their usual policy, was resorted to. Upon entering Paris, the allied monarchs promised, in the face of the world, 'that they would recognise and *guaranty* the constitution, which the French nation should give itself,' and they invited 'the senate to appoint a provisional government capable of providing for the want of administration, and of preparing such a constitution as might be adapted to the French people.' This guarantee was signed by the emperor of Russia on the 31st of March, 1814, and declared by him to express the intentions of all the allied powers. As it was never disavowed, we may safely conclude that they were parties to and sanctioned this guarantee.

In this manifesto was contained a full and express acknowledgment of the right of the people to alter their political constitution, a right which they had assumed and vindicated in the midst of unparalleled violence and tumult. They now deny the truth of this principle, but this does not destroy the force of their acknowledgment; neither is it invalidated by their subsequent refusal to comply with their guarantee. This may show perfidy and duplicity on the part of the allied monarchs, and that for temporary purposes they could stoop to promise to the people, what they never meant to perform; but the fact, that their guarantee was offered and accepted, demonstrates their acquiescence in that great principle, which they now seek to subvert by policy and arms, viz. the right of the people to change their government. In compliance with this request, a provisional government was established by the senate, and on the 6th of April, 1814, it presented the constitution, which it had formed, to the nation. In that instrument, the right of the people to alter their form of government is expressly asserted. It further stated, 'that the French people call freely, to the throne of France, Louis Sanislaus Xavier de France, *brother* of the *last* king, and after him, the other members of the house of Bourbon, in the ancient order.' In the 29th article, provision is made for submitting the constitution to the people for their acceptance, and Louis was to be proclaimed king as soon as he had signed and sworn to the constitution. He consequently was not to be proclaimed king, before he had performed that condition; and the allied powers, in the character of guarantees, were bound to see that he faith-

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fully performed it. Louis the XVIII, who, while these preparations for his restoration were going on, had remained in England, began his journey to Paris, then occupied by the allied armies, neither assenting to, nor rejecting the constitution, but preserving a profound, and, as we the think, a deceitful silence, with regard to the form of government, which should be established in France. His brother indeed, who was in Paris, and acting as his representative, encouraged the belief of his approval of the constitution; but Louis made no public declaration of his opinion on that subject, until he imagined himself firmly established on the throne of his ancestors. As as soon, however, as Napoleon had left France, viz. on the 2d of May, 1814, at St Ouen, Louis issued a proclamation, approving the *basis* of the constitution, but condemning certain articles, which, in their present form, he declared could not be considered fundamental laws of the state. As he could not accept a constitution necessarily requiring revision, he convoked the senate and legislative body to meet on the 31st of May, to examine one, which would then be placed before them. By this declaration, he denied the right of the French nation to frame a constitution for the government of the kingdom; and he violated the guarantee of that right by the allied powers. It then became their duty to enforce it. Their pledge, (the most solemn that could be given, by monarchs to a people in arms,) was forfeited by supporting Louis upon any other condition, than that of his absolute acceptance of the constitution framed by the senate. They had invited the nation to recall him upon that condition, and had promised to guaranty its performance. The objection of Louis, to the *form* of certain articles, and his promise to present an unexceptionable constitution to the nation, even if sincerely given, were not equivalent to the unconditional acceptance that was promised. But the objection of the king was to the substance and not to the form, and the promise, (if given for any purpose except to obtain time,) was never executed in its proper sense. The constitution of the senate asserted the principles of freedom; the instrument, framed by Louis, was founded upon the doctrine that 'the breath of worldly men cannot depose the deputy elected by the Lord.' In the preamble, he claimed the throne, not as it was offered to him, as successor to Louis XVI, called freely by the French people, but as successor

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by indefeasible right to his nephew, Louis XVII. He degraded the constitution into a charter, prefacing his grant with an assertion, that, in France, all authority resided in the person of the king. After proving by history, the degraded condition of the French people in former times, and declaring that they owed their present immunities to the generosity of their sovereigns; and deducing from these premises the necessity of preserving the royal power and prerogative, he concluded with 'granting, conceding, and releasing,' (in the form of a deed at common law,) 'to his subjects, the privileges contained in the constitutional charter.' It is unnecessary to point out the differences between the charter and the constitution of the 6th of April. The two instruments rest upon different principles, and all comparison would be useless. One provision however may be quoted, as a specimen of the whole. By the constitution, either legislative body was enabled to propose laws, excepting for contributions; by the charter all laws originated with the king.

What excuse, but that of increased power, can be urged for this breach of faith on the part of the allied monarchs? It certainly cannot be pleaded in justification of their inattention to the conduct of Louis, that it was a matter concerning the internal government of France, with which they had no right to interfere, and that when once on the throne, his subjects and he should have decided their differences without a foreign arbiter. Of this subterfuge they have deprived themselves, by their interposition after the return of Napoleon from Elba. Their right to interfere was claimed under the capitulation of Paris. The committee of the congress of Vienna, in their report of May 15, 1815, put it solely upon that ground. They considered the French nation as a party to that capitulation, and that their conduct, in recalling Bonaparte, was a violation of that treaty. If that treaty was binding upon the French people after the return of the Bourbons, it was binding upon the allies, and their solemn guarantee of their right to form their own government subsisted in its full force, unaltered by the restoration of the ancient dynasty. Interference in behalf of the people was as justifiable as interference in behalf of the monarch, and that they did not comply with their guarantee, while they did compel the French nation to perform its part of the capitulation, only proved their total indifference to prom-

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ises or principles, except as they conduced to the establishment of a despotic system of government. It was not a little remarkable, that whilst the allied powers were declaring their intention of not interfering in the domestic affairs of France, they considered the French people as distinct from their government,—so much so, that the former was regarded as a party to, and bound by a treaty to which the latter never assented, and a war was waged against the nation for its infraction of that treaty, while the invaders were in alliance with the government. This inconsistency displayed in a striking manner their unprecedented violation of public law, and how hard it was for them to reconcile their conduct with any known and acknowledged principle. It is however partially explained by a little circumstance, to be remembered not only as affording the key to this mystery; but also as indicating a division between the allies, and the disposition of the British government to return to a wise and more liberal policy. When Napoleon, by his return from Elba, had deranged the views of the coalition for the pacification of Europe, the powers assembled at Vienna declared him an outlaw, and announced their determination to maintain the treaty of Paris, and to guard against every attempt to replunge the world into the disorders of revolution. Twelve days subsequent to this declaration, viz. 25th of March, 1815, the ministers of Great Britain and the monarchs of Austria, Russia, and Prussia, entered into a new treaty, 'to apply to the invasion of France the principles of the treaty of Chaumont, to preserve the order of things so happily established in Europe, to maintain the treaty of Paris, and the stipulations determined and signed at the congress at Vienna.' They consequently agreed not to lay down their arms, until Napoleon should have been rendered absolutely incapable to create disturbances, and to renew his attempts for possessing himself of the supreme power in France. In the last article, his Most Christian Majesty was invited to accede to the treaty, and to make known what assistance circumstances would permit him to give in furtherance of its objects. Whether it was that the British court was apprehensive, from the unanimity and exulting gladness with which Napoleon was received by the French nation, that the war would be interminable; or that the house of Brunswick at last saw that it was about condemning the title by which it held the British crown, we are unable

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to decide. It however took a distinction, which would have enabled it either to conclude peace without inconsistency, or to defend its title to the throne of Great Britain without being embarrassed by its own acts. In exchanging the ratifications, the British minister declared that 'the article inviting his Most Christian Majesty to accede to the treaty,' was not to be considered as binding his Britannic majesty to prosecute the war with a view of imposing upon France any particular government. 'However solicitous,' the declaration went on to say, 'he might be to see his Most Christian Majesty restored, and to contribute with his allies to so auspicious an event, he deems himself called upon to make this declaration, in consideration of what is due to his Most Christian Majesty's interest in France, and in conformity to the principles from which the British court has invariably acted.' To this explanation, the Austrian ambassador assented as expressing the sentiments of his master, probably thinking a slight contradiction between professions and actions, to be preferred to a difference with Great Britain, the purse-bearer of the alliance. While the representatives of the allied powers were acting this farce at Vienna, the duke of Wellington, the commander of their armies, was marching upon the French frontiers, and in a simultaneous proclamation to the French people, manifested the hollowness and hypocrisy of their professions. In that manifesto he declared, and the expressions are worthy of remark, 'that henceforth Europe, united and moved by the same interest, must form but one power, and the sovereigns a supreme corporation, upon which will be raised the solid pedestal of the peace and happiness of nations. The rights of the monarchy will attain all from this august senate and be confirmed in its solemn acts. The name of Louis XVIII, is inscribed in this federal compact. The allied sovereigns placed him on the throne of his ancestors, and proclaimed the reign of the Bourbon family, until its extinction, over the French people. *They now take up arms to restore and confirm* that dynasty, to support the cause of kings, to consolidate the government, to secure the repose of mankind, and to give an imposing example of sovereign authority to all mankind.' The same sentiments were reiterated in the proclamations, dated March 18th, and April 8th, 1815, signed by all the powers at Vienna. In these public papers, the mask of respect assumed by them, for the independence of France, is

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thrown off. They avow that the violation of the capitulation of Paris was their own act, and not that of the adherents of the Bourbons, and they declare their determination, again to disregard their guarantee, while they insist on the compliance of the French nation with its part of the treaty.

The battle of Waterloo decided the contest in their favor. The Bourbons were again restored, and with more marks of violence and conquest than before. The allies avoided giving any pledge to observe the rights of the nation, and the legislature adjourned, after protesting that they yielded to superior force, and that the independence of the country was violated. As if there were not sufficient marks of their utter disregard of their pledged faith, and of the explanation given at the exchange of the ratifications of the treaty of March 25th, 1815, the allies entered into a new treaty at Paris, Nov. 20th, 1815, in which they agreed 'for the purpose of *maintaining inviolate the royal authority*,' to station 150,000 troops on the frontiers, and within the fortresses of France, for the space of five years; unless 'the allied sovereigns, at the end of three years, should, in concert with his Most Christian Majesty, agree to acknowledge, that the motives which led to that measure had ceased to exist.' In this military occupation of France, the revolution ended. The popular party was overcome by an overwhelming force, and Louis le Desiré was placed upon the throne of his ancestors, and there maintained, by the armed legions of the alliance. To this moment, however, a pretence of public good was held out as the motive to their conduct. Whatever may have been their real intention, as to the conclusion to be drawn from the restoration of hereditary monarchy in France, the act is glossed over with fair professions of zeal for the welfare of mankind, and of the necessity of suppressing principles dangerous to the existence of social order, and afterwards of the necessity of disarming an individual, whose ambition and genius rendered his possession of power fatal to the repose of Europe. These principles, though perhaps their applicability depended upon the unnatural and unsound structure of society in the old world, still were not easily controverted by statesmen living in that society, and defending the permanency of the ancient establishments. Although the abuses of the feudal system, and the disproportionate privileges of the nobility in the continental monarchies, afforded materi-

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als for the contagion of revolutionary principles; or even for the military conquests of Bonaparte, directed by his genius, and maintained by a system better adapted to the wants and nature of modern society; still to these courts struggling for existence itself, the revolutionary excitement in France, or the continuance of Napoleon at the head of his empire, seemed more than a pretence for their interference in the domestic affairs of that kingdom. The extent and immediateness of the danger prevented men from putting to the test the correctness of the principles which governed their conduct. But when Napoleon was imprisoned in St Helena, and Louis was securely seated on the throne of his ancestors; and particularly when, in 1818, the allied powers at Aix-la-Chapelle declared that 'they recognised with satisfaction the order of things happily established in France by the restoration,' this pretence no longer existed, and the general rule, that any interference with the internal government of a country is an attack upon its independence and a violation of the laws of nations, assumed its original force. The grounds upon which the exceptions had been justified were annihilated, and the ordinary maxims of national jurisprudence were restored to their usual active operation. Such, however, was not the intention of the members of the holy alliance. They had seen the extension of liberal principles; they had witnessed the progress of intelligence in modern Europe, and they feared its operation upon their subjects. They knew that an augmented activity in the public mind would cause the overthrow of the political institutions of their own kingdoms, as it had done those of France, and in their several assemblages they adopted and matured measures to arrest the march of political innovation. It is impossible to doubt this, when we look at the simultaneous acts of the allied monarchs to promote that object, and advert to the fact that these were adopted shortly after a general congress had been held. Upon the return of his Prussian majesty from Paris, namely, on the 3d of January, 1816, a decree was published, suppressing certain political journals and restricting the liberty of the press. The sacred alliance was acceded to by the king of the Netherlands, June 21st, 1816, and in the month of September following, a law was proposed by the king to the legislature and approved by that body, prohibiting any discussion upon the nature or character of any foreign govern-

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ment. In France, the press was already under the inspection of the police, but in 1817 a law was passed imposing upon it further restrictions, and on the 30th of December, in that year, all political journals were suppressed by law until the end of the legislative session in 1818. These measures not only evince the hostility of the members of the alliance to a free press, that great engine of political reformation, but a settled and concerted plan to suppress all attempts at innovation by their joint efforts. They had experienced the advantages of acting in concert against their disaffected subjects, and at Aix-la-Chapelle an agreement was formed, to which France acceded upon the invitation of the original parties. By this agreement, Austria, Great Britain, France, Russia, and Prussia, 'after having investigated the conservative principle of the great interests, *which constitute the order of things* established in Europe by the treaty of Paris of May 30th, 1814, the recess of Vienna, and the treaty of peace of 1815,' declared, 1st, that they would preserve the principles of intimate union, which had hitherto decided with respect to all their common interests and relations, &c. 2. That their union should have for its object only the maintenance of general peace in conformity with those treaties. 3. That France, associated with the other powers by the restoration of legitimate monarchy, engaged to concur in the maintenance and consolidation of a system which has given peace to Europe and assured its duration. 4. For the purpose of attaining that object, future meetings of the allied powers were provided for, to which the contracting powers were to be invited; but if the affairs of any other state were to be brought before the meeting, that power should be invited to attend and participate in the debates relating thereto.

This combination of monarchs at this time began to assume the form it was originally intended to take; but which circumstances had until then rendered unnecessary. It was to be continued upon a new principle. Not as before, to suppress any particular danger, or to oppose any particular government, but to guard against indefinite dangers which might exist,—to act as a sort of precautionary, supervising police.

We might here condemn this measure as creating an unprecedented tribunal, without any apparent or real necessity; inasmuch as the allied powers did not intimate that any existed,

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or that any new revolutions were to be apprehended. But this would be shutting our eyes to the evidence before us. Revolutions were to be expected; but the allied monarchs could not allude to their apprehensions, without exposing the causes of the universal desire of change. If they had said that the alliance was formed against the revolutionary spirit of their own subjects, the inquiry would have presented itself, 'What is the cause of this spirit?' and the public mind would have reverted to the arbitrary laws and despotic systems of government in their several kingdoms; the promises of those monarchs to reform their political constitutions, and the violation of those promises, when the danger which had extorted them had passed away. They therefore resorted to a new combination, under the pretence of subserving the interests of religion and morality; but, in reality, to guard against the reformation of their governments, and, if possible, by united and simultaneous efforts to stay the progress of improvement. To further this great object, shortly after the dissolution of the congress at Aix-la-Chapelle, laws were adopted in several of the continental kingdoms, having in view a still greater restriction upon the liberty of the press. On the 14th of October, 1819, a decree was issued establishing a literary censorship for the kingdom of Hanover. On the 18th of the same month, his Prussian majesty promulgated a decree to the same effect, and at the same time the German confederation passed a law, by which all periodical publications were subjected to a previous censorship. Other restrictions upon the press were imposed, the universities within the confederation were put under supervision, and professors who did not teach political doctrines suitable to the views of the aristocratic party, were to be dismissed from employment. The Prussian court adopted the same principles in a circular to the foreign agents of that kingdom, and the object of this supervision was in that paper said to be, 'to prevent young men from preparing for a life at once learned and active,—from becoming what they ought not to be.' This was, in other words, expressing the fear of that party, of the operation of intelligence upon the minds of those, who, by their activity, obtain influence in society. To cooperate with those decrees, a central committee was appointed to meet at Mentz, to inquire into all revolutionary movements or associations. The same year the French

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government adopted some new regulations respecting the press, which, in 1820, were so modified, that the editors of the liberal journals retired from the exercise of their duties, declaring that under those laws their labors could be of no service to the public. In Poland, nothwithstanding the constitution guarantied the liberty of the press; every publication, whether periodical or not, was subjected to the inspection of a royal censor, by an ordinance of the Russian emperor, of July 16th, 1819. These simultaneous acts, all tending to the same object, prove them to have been the result of a well digested and unanimous resolution. They shew the efforts of the allied monarchs to have been directed to the achievement of one great end, namely, to extinguish the desire of innovation, perpetuate the old system of arbitrary government, inthrall the human intellect, and chain its freeborn spirit to the footstool of legitimate monarchy. But while their attention was occupied in those kingdoms wherein they suspected revolutionary principles to be most prevalent, the reaction upon their system commenced in the south of Europe, and they found new difficulties springing up at the very moment when they had supposed their end to have been accomplished. In the beginning of 1820, the troops that were assembled at Cadiz for the invasion of South America, being badly fed and clothed, and worse paid, revolted, and declared that they would not embark, and also that their arrearages should be paid. The people immediately took advantage of this disaffection among the military, and simultaneously throughout Spain proclaimed the constitution of 1812, which, on the 6th of March next following, the king, being without support, found himself obliged to accept. How this constitution was formed, and how it was overturned upon the return of Ferdinand from France, will be mentioned in another part of these remarks. At present we must confine ourselves to the relation of events. On the 1st of July the Neapolitan army followed the example of the Spanish troops, and proclaimed the Spanish constitution of 1812; Naples having been formerly united to the same kingdom. On the 6th of July Ferdinand, the old king of Naples, abdicated, and his son Francis, who succeeded him, assented to the constitution, saving what modifications a national representation constitutionally convoked might propose. On the 20th of August a similar revolution took place in Portugal. A

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constitution was to be formed by the cortez, and the king was proclaimed as the constitutional monarch. These events soon attracted the attention of the self-constituted guardians of Europe. But instead of concluding from this general dissatisfaction evinced towards existing governments, that there was something faulty in their constitutions, or that they were unsuitable to modern societies, they determined to afford them their most efficient support. A forcible opposition was therefore organized to these reformed governments, not because they threatened the political existence of the neighboring kingdoms, or by their excesses disgraced the cause of freedom, but because the established order of things was invaded; or as it was declared in the Laybach circular, subsequent to the Neapolitan war, 'because every change, which does not solely emanate from the free will—the reflecting and enlightened impulse of those, whom God has rendered responsible for power, leads to disorders more insupportable, than those which it pretends to cure.' The emperor of Austria, being special guardian of Italy according to the new system, took measures to summon the allied monarchs to a congress, and in the month of October 1820, they met at Troppau. On the 28th of December, they issued a circular in which they declared that 'the principles which united the great powers of the continent to deliver the world from the military despotism of an individual issuing from the revolution, ought to act against the revolutionary power which has just developed itself. Without doubt,' it continued, 'the powers have the right to take, in common, general measures of precaution against those states, whose reforms engendered by rebellion are opposed to legitimate government. In consequence the monarchs assembled at Troppau have arranged together the measures required by circumstances, and have communicated to the British and French courts their intention of attaining the end desired by mediation or force.' Lord Castlereagh (and certainly he was not a statesman to be shocked at any slight infringement of popular doctrines) was unable to assent to the principle asserted in this circular. On the 19th of January, 1821, the British court issued its protest against any such interpretation being put upon the general treaties, to which the allies had referred as sanctioning that principle. This protest contained the following sentence, which not only more strongly marked the dif-

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ference first manifested at the ratification of the treaty of Vienna, but pointed out the cause of that difference. 'The British court regard all interference with the internal concerns of a foreign government, as an exception to principles of great value and importance, and never to be so far reduced to rule as to be incorporated in the law of nations.' This single sentence shewed a radical difference between the policy of the court of St James and that of the Holy Alliance. While, however, it refused to join in the crusade against Naples; it fully admitted that Austria and her associates might engage in it with a view to their own security. The protest, though asserting an established principle with manly force, closed with certain professions as to the pure intentions of the allies and of their right to interfere, provided the internal commotions of Naples threatened the tranquillity of their dominions, which could not be regarded otherwise, than as an implied approbation of their conduct towards Italy. The Austrian troops were consequently put in motion, and in one short campaign annihilated the popular party in Italy. As if, however, fate had determined that the deceitful professions of the combined despots for the independence of other powers should be exposed, and their true designs fully developed, it so happened that in the midst of the Neapolitan war, a revolution broke out in Piedmont, against which the Austrian forces were immediately directed, as if they had been the ordinary police of Italy, and this a common breach of the peace. No consultation was had with regard to this revolution; no invitation was given to the government of that kingdom, in conformity with the fourth article of the Protocol of Aix-la-Chapelle; nor was there any delay to ascertain if the domestic disturbances were likely to extend to other countries; but the Piedmontese territories were immediately invaded and the new government overthrown, by the unsolicited interference of the foreign allies of its sovereign. With the suppression of the revolutionary spirit in Italy, they appeared to be then satisfied; but in the Laybach circular, in which they justified their conduct, and appointed a time for another congress to assemble, the same alarming principles of interference with the internal concerns of other countries, are reiterated and maintained as incorporated in the public law of Europe, and the allies declare that 'they will regard as null and contrary to the law of na-

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tions, all pretended reform effected by revolt and open force.' Though this declaration might well be considered as a direct attack upon the Spanish and Portuguese revolutions, and indicative of more energetic measures to be pursued at some subsequent period, still, as no immediate steps were publicly taken by the high powers to carry their resolutions into effect, it was generally supposed that Spain and Portugal would be protected from such unauthorized interference, if not by the law of nations, at least by the dread of their power. The great monarchies of Europe were not to be treated in the same unceremonious manner as the petty states of Italy. In the case of Spain, too, there were some peculiar circumstances, which strengthened her claim to exemption from the special superintendance of the allies. By their peculiar religious and national prejudices, and by their almost insular situation, the Spanish people had been in a great degree separated from a considerable part of the European family. Their spirit of national independence had often rendered them invincible, and history afforded the holy alliance some striking lessons on the danger of invading a gallant and haughty people, in a mountainous country. For three hundred years that nation resisted the gigantic power of Rome. The Saracen hordes, that overran the country, could not subdue it. Though outnumbered, the Spaniards resisted, and after the lapse of centuries drove the Moors back to their own country, and the

> 'Castilian mould,
> Incapable of stain, at last expelled
> Her mischief and purged off the baser fire
> Victorious.'

It was in the Peninsula too, that the first effectual resistance had been made to the power of Napoleon. The rest of Europe had submitted after a long struggle to his authority and acquiesced in his continental system. The old king of Spain acted but as his deputy. By his orders the best portion of the Spanish army had been transported to the Danish islands in the Baltic, and the French troops had been admitted into and occupied some of the most important cities of the kingdom. Charles IV, (whose abdication, it should be recollected, though caused by a revolt of his subjects, was sanctioned by the congress of Vienna,) and Ferdinand, his son, who was in possession of the crown, had agreed to

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submit their disputes to the decision of the French emperor, and had placed their persons and their courts in his power. While in France, Ferdinand was induced to abdicate, possibly by motives similar to those of his father, and after his abdication he sanctioned the transfer by Charles of the Spanish crown to Bonaparte. Here then was a full and entire release of his subjects from their allegiance. If papers, and charters, and releases, are to be substituted in the place of principle, that release would have acquitted the people of Spain, even if they had adopted Joseph for their sovereign. Charles IV, influenced by personal fears of the violence of his subjects, then in open revolt against their monarch, had abdicated in favor of his son. This abdication he disowned, when those fears were removed, and transferred all his royal rights, and those of his family, to the French emperor. To this transfer Ferdinand assented. Whether this assent was extorted or voluntary is unimportant, inasmuch as his father being restored to the exercise of his free will, and no longer influenced by the terrors of a tumultuous crowd, had voluntarily abdicated in favor of Napoleon; and if the people of Spain had not denied the right of their king to alter the constitution, the transfer would have been executed. Ferdinand and his court were without energy, and had submitted to fate; and the Bourbon dynasty would have been at an end in Spain, and possibly in Europe, if the Spanish people had not taken the management of their public affairs into their own hands. Unsupported by allies; without arms, money, or leaders; in presence of the French legions, who occupied the best part of the kingdom, and in defiance of the might of the most powerful monarch that ever swayed a sceptre; the Spanish nation resolved to vindicate its independence, and the title of the heir to the crown, or as it was expressed, in contempt of the doctrines of the holy alliance, the right of Ferdinand to succeed, in the life time of his father, to the crown, to which he was called by the voice of the nation. The indignation of the whole body of the people was sufficient to animate them to endure the first brunt of Napoleon's power; but to excite and support their courage during a long and bloody struggle, with so powerful a foe, it was necessary to present some other motive besides the wrongs of Ferdinand. The insult to the national honor, though keenly felt and warmly resented, would in time have been forgotten. Men will not wage an eternal war for a point of honor, and it

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was feared, that the people would soon see that it was only a change of masters, and that their old dynasty did not deserve so great a sacrifice as they were about to make for it. Besides, by the abolition of the inquisition, the sequestration of its property, the diminution of the number of monks and monasteries, the establishment of a national judiciary in the place of the seignorial courts, and by the reformation of the financial system, the new dynasty was conferring benefits upon the nation that would have soon wiped away the odium of its usurpation. The successes of the French, and the distress and want of union among the Spaniards, were not without effect; and the patriot cause would probably have failed, if, for the purpose of uniting the nation, enlisting all on the side of its independence, and giving to the people some motive to resist, at the suggestion of the Marquis of Wellesley, the Spanish junta, (which had assumed the executive functions,) had not authorized the meeting of the cortes for the purpose of giving a better government to the kingdom.

This body was well known to the Spanish nation as its supreme and extraordinary legislature. Under the different names of *concilium*, used by Gothic legislature; of *curia*, the term by which it was known during the twelfth century; and of *cortes*, first assumed under Ferdinand the third, it had been a constituent part of the government ever since the fall of the Roman empire. Laws were usually passed in the king's council; but the cortes was entitled to be called together and consulted on all extraordinary occasions; and if any could ever be deserving of that epithet, it was when the royal family was treacherously withdrawn from the kingdom, the soil invaded, and the people looking for leaders to direct their efforts against those who sought to subvert their independence by fraud and violence. The powers of this body, and the mode of calling it together are not well defined; but sufficiently so to show, that it had not exceeded its authority in framing the constitution. Like all the European constitutions, the Spanish was a collection of precedents from the history of the nation. The king and the legislative body claimed to do whatever had been done before by any of their predecessors; and enough of contradictory precedents might have been found during the past ages of violence and ignorance, to authorize almost any exercise of power, by either branch of the government. The cortes, however, was entitled to very great

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authority from the earliest history of Spain. It had often sat in judgment upon the sovereigns of the nation. Ramiro III, queen Urraca, and Henry IV, were severally deposed by this body, and when the Pope sent his legate to restore the last named monarch to his throne, one of the nobles in the true spirit of Castilian freedom, told him in full assembly, that 'he and the nobility of the realm would depose a king on just causes, and set up such as they thought suited to the public good.' It also held the public purse, until the discovery of America gave other means to the king, by which he was enabled to dispense with the cortes. A body possessing such transcendent powers, in such an emergency had an undoubted right to alter the constitution. No royal consent or formal charter could make such an alteration more binding. To say nothing of the inherent right of the people to consult their own safety, the most obvious rules of European politics justified, and the laws of necessity commanded, that course. No objection could be made to the manner in which the cortes was assembled, as Ferdinand had by a decree of May 5th, 1808, authorized any council or audience at liberty to summon the cortes. In 1810 the members met in the Isle de Leon, and after much unnecessary debate formed the constitution of 1812. It was popular, and did in fact redress many of the grievances which had weighed so long and heavily upon the Spanish nation. With the hope of obtaining something like the common privileges of men, and a melioration of their political condition as held out to them by the cortes, this gallant people, with British aid, resisted the power of Napoleon, until, by his reverses in the North of Europe, he was compelled to withdraw his troops from Spain, to release Ferdinand, and restore him to his devoted subjects.

With the government thus formed, Great Britain and Russia did not think it unlawful to enter into an alliance; England, at the commencement of the Spanish war, and Alexander when Napoleon had invaded his territories and threatened his subjugation. At this juncture no doubts were entertained by the Russian court of the legitimate formation of the government, or of its power to do all the acts of a sovereign authority. It had declared war, formed alliances, altered the constitution, and meliorated the social condition of the common people, in order to secure their affections, and to confirm and

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animate them in their resistance to their invaders; and while these things were done to resist the power of revolutionary France, no objection was made to their right so to do. But when Ferdinand had recovered his freedom, and was restored to his hereditary crown, which had been preserved to him only by the energy of the Spanish liberals, and the courage of the populace, (for the Spanish courtiers succumbed to the French,) the scene was changed, and principles operated in another manner. The constitution had been adopted in the absence of the king, and of course (according to the doctrine of the holy alliance) without any legitimate authority, and it depended upon him, when he resumed the reins of government, to sanction or disallow it. His intentions on that subject were not long doubtful. After leaving Paris, Ferdinand, carefully avoiding the Atlantic frontier of Spain where the English troops were stationed, took a circuitous route for Valencia, where he staid nearly a month, probably arranging measures with his monarchical allies. On the 4th of May, directly after the departure of Bonaparte for Elba, and simultaneously with the rejection of the constitution of France by Louis, Ferdinand, with the concurrence of his courtiers, and supported by a powerful army, issued a proclamation annulling the constitution, dissolving the cortes, and proscribing that party, by which the privileges of his family and the national independence had been so nobly vindicated. It is a fact worthy of note, as indicating the interest which the Bourbon family in France took in the destruction of the popular party in Spain, that during this interval of suspense, the French journals were filled with paragraphs abusing the leaders of that party, and intimating that they had determined to rebel against the king. After this explicit declaration, Ferdinand proceeded with great vigor in the royal regeneration of his kingdom. His first care was to regulate the press, which was done by an edict of the 12th of the same month. The editors of the *Redactor*, and the *Conciso*, who had with the greatest energy maintained the cause of their country against Napoleon, were arrested and subsequently sentenced to the gallies for ten years. The church property was restored. The inquisition was reestablished, and united more strongly to the crown. The seignorial courts were reorganized. The council of the Mesta was reinvested with the power of ordering the merino flocks to traverse

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the kingdom, to the great detriment of the agricultural part of the community; and all the odious abuses of the ancient government were reestablished in their former vigor. The principal members of the cortes, the patriot generals and their supporters were thrown into prison, to the number of more than four thousand, and the gallies, castles, and dungeons, the garrotte and inquisition, were all put in requisition to punish those, who had been so audacious as to assert the independence of Spain for the sake of the nation, and not for the sake of the king alone. To such an extent was this system of proscription carried, that the prisons, not being sufficient to contain the victims of royal vengeance, a Franciscan convent was converted into a state prison, and many persons sought refuge in other countries.

This persecution was not quietly submitted to. After the return of Ferdinand, scarcely a year passed without some serious rebellion. Although the joy, felt in the national triumph over the French, and in his rescue and restoration, afforded him the best foundation for great personal popularity, so disgusted were his subjects at his ingratitude and tyranny, that within four months after his return, the provinces of Navarre and Andalusia were the seats of revolt; and to prevent the extension of disaffection, the government were compelled to send troops into the provinces of Estremadura, Arragon, Castile, Catalonia, and Valencia, and permanent councils of war were established in each province for the immediate trial and execution of persons arrested. The subsequent insurrections of Mina, Porlier, Lacy; those at Barcelona, Valencia, Cadiz; the partial commotions in other parts of the kingdom; and the general insubordination, all indicated a settled and permanent dislike to the anti-constitutional measures of Ferdinand, by no means inferior to that first excited. Whilst this dissatisfaction was increasing, the government was losing its official and natural strength, by an imbecility and mismanagement on the part of its ministers, only to be equalled by the ingratitude and tyranny of its head. The navy dwindled to a shadow, the army badly fed, paid, and clothed, and the finances in such a state of disorder as to be inadequate to defray the ordinary expenses of the municipal department, all showed the royal government to be hastily tending to dissolution.

Such was the state of affairs in 1820, when the constitution

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of 1812 was reestablished, that constitution which had been formed to remedy the most deplorable condition to which a civilized country had ever been reduced. From being the most powerful kingdom in Europe, Spain had become the weakest. With a fertile soil and delicious climate, it was the abode of famine. With the mines of Mexico and Peru at its disposal, it was poor; and it possessed the monopoly of the most fertile and largest colonies in the world, without having either commerce or manufactures. Its rulers seemed to study political economy only to contradict its precepts by their practice, and the efforts of government were solely directed to brutalize the intellect and paralyze the energies of its subjects, and to impoverish and depopulate the country. Neither did the honor of Spain receive more efficient protection from its proper guardians, than its political prosperity. While the other monarchs of the continent were the helpless victims, or reluctant instruments of Napoleon, Charles IV. became his willing agent. The soldiers, navy, and wealth of the kingdom were employed in increasing the preponderance of an already too powerful neighbor. The strongest frontier of Europe was passed, and the impregnable fortresses of Spain were surrendered without resistance; and the whole court, the old king and new, the weak father and usurping son, with their attending nobles, from a state of freedom, and while their fertile colonies offered them an ample empire and a secure asylum, went to Bayonne to place their persons and fortunes in the power of the French emperor, with the same weakness and irresolution, with which the inferior animals yield to the fascination of a rattlesnake. Was there not, in this state of things, a sufficient justification of a new organization of the government? Even if the royal family had been on the throne, a revolution would have been justified by the destruction which threatened the nation from the maladministration of the government. But in its captivity the circumstances altogether form a defence of the conduct of the cortes and nation, in the adoption of the constitution, that places it beyond the reach of censure or doubt. To deny this proposition would be to contend, that the nation was bound to acquiesce in its own destruction; unless the king was in a state to command it to act with a view to its safety. The whole theory of government would be overturned, and its great object, the welfare of the subjects sacrificed for the benefit of the rulers.

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Such in truth is the essence of the principles of the holy alliance. Government is by its leaders considered as established for the benefit of the privileged orders, and the people are never to be mentioned, except when it is necessary to invent an excuse for some new encroachment upon their rights, or some violation of public law. Thus, under the pretence of guarding them from themselves, they are to be debarred from all interference in their government, and all reform proceeding from a popular quarter is to be opposed and crushed by foreign powers, lest the happiness of the subjects should be disturbed by revolutionary excitement. Any revolution to extend the royal prerogative may be tolerated, but one having popular rights for its object is illegal. In what, excepting in the party to be benefited by the change, did the overthrow of the constitution in 1814, differ from its reestablishment in 1820? The army, in both instances, was the immediate instrument. Then, we ask, had Ferdinand upon his return from a captivity, from which he had been redeemed by the valor and perseverance of his subjects, a greater right to overthrow a constitution with which they were satisfied, than they had to reestablish it, when that was the only way to the regeneration of their sinking government? What gave him the right to disapprove of that constitution? He had it not as heir apparent to the crown. The heir only succeeds to the right of his ancestor, and Charles then living as monarch of Spain could *grant*, according to the principles of the legitimate party, a charter to his subjects; a charter, too, not to be violated by his successors. During the life of Charles, therefore, the disapprobation of his son could not annul the constitution.

But it may be said, Ferdinand was king of Spain by virtue of his father's abdication. This abdication however was caused by a popular commotion and it was void, according to the doctrines of the holy alliance, as the abdications of the kings of Naples and Sardinia had also been considered. The people in 1808, finding the public affairs mismanaged, through the fondness of the old king for Godoy, rose tumultuously, and, to prevent them from proceeding to extremities, Charles abdicated in favor of his son. This change in the government was sanctioned by the congress of Vienna, and the continuance of Ferdinand on the throne was 'constituted part of the order of things' at the general pacification. Ferdinand there-

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fore owed his throne first to the will of his subjects, and subsequently to their courage; and it must be granted that the power which first gave to him his political authority, might, under like circumstances, either wholly deprive him of it, or so limit it, as to promote the public welfare. Besides, the great justifiable causes of a revolution still existed. The situation of Spain in 1820, was, if possible, more deplorable than in 1808. The public and private distress was greater. The colonies which, at the time of his accession, were attached to the mother country, were forever separated, and the resources and armies of the kingdom were squandered in ill directed attempts to reduce them to submission. The navy was no more; the finances were in the greatest confusion, and with all these causes of complaint, the people were goaded to desperation by the tyranny of the inquisition and the government, and their indignation was roused by the unmerited persecution of the most distinguished leaders and gallant generals of the patriot party. If then the revolution which placed Ferdinand on the throne was not contrary to the public law of Europe, much less was that of 1820, which limited his authority and directed its exercise to the promotion of the public prosperity. It was to restore a constitution lawfully established and generally acknowledged; but which had been overthrown by the illegal violence of the military and of their ungrateful sovereign. We have been thus particular in the history of the Spanish revolution, that our readers might fully understand the grounds upon which the contest rests, and that it is for no other object than to strengthen the arbitrary party. The indefeasible right of the monarchical part of the government is no more sacred in the eyes of the alliance, than any other principle, except as it contributes to effect this great object of their combination. Those kings who had not entered into their designs, were treated with as little ceremony as the popular party. If the royal right be indefeasible, it is equally so to a part of the kingdom as to the whole. Yet Norway was wrested from the king of Denmark by the allies, in violation of that right, and part of Saxony shared the same fate. These facts prove that their peculiar regard for the monarchical principles was only a pretence; but the Spanish revolution was a peculiar and striking instance, which at once illustrated the nature and extent of their designs. With that revolution the alliance finally deter-

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mined to interfere, and France was deputed to restore the ancient order of things, inquisition and all. This appears by the St Petersburg Imperial Gazette of June 12, 1823, where in one of the half official papers of the Russian court, it is asserted, that France acts in behalf of the alliance, by the invitation of that body, as Austria did against the Neapolitan and Piedmontese revolutions; and the inquisition is spoken of as one of the pillars of the Spanish monarchy. In justification of this attack upon the independence of a powerful kingdom, it was not even pretended, that the Spanish revolution had been attended with those massacres, which roused the indignation of mankind against the Jacobins of France; and the charge that the Spanish liberals were instrumental in exciting commotions in that country, has been so fully disproved in a late number of the Edinburgh Review, and was so faintly urged and at such a period of the negotiation with the Spanish government, that it can only be classed with those pretences, with which the members of this alliance have so often sought to disguise the real motives of their measures. But in this age such reasons can neither justify those who allege them, nor deceive the world. The British court has become convinced of the unhallowed designs of its allies, and in the late diplomatic correspondence at Verona has manifested its determination not to sanction their proceedings. All enlightened and unprejudiced men seem to be now satisfied by the manifestoes delivered to the Spanish Court by the ministers of the allied powers, and by a thousand other simultaneous and kindred acts in other parts of Europe and towards other nations; that a combination has been formed by the three Northern courts, aided by the Bourbon parties in France and Spain, to preserve by force the ancient order of things from reformation; and by subjecting the press to the authority of government, by supervising the universities, by the exile and proscription of the friends of liberal principles whenever they appear, by the reestablishment of the inquisition in Spain, the erection of a central commission in Germany, and augmenting the strength of the police in other countries, to extirpate the apparent causes of all revolutionary excitement; or in other words, to poison, at the fountain head, the streams of political intelligence and improvement.

This is the unholy enterprize in which these statesmen have

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embarked. From their elevated stations they have foreseen the dangers which threaten their authority; and instead of yielding to the manifest will of society, they have arrayed themselves in opposition to it. The spirits of tyranny and bigotry have been awakened by the events of the last thirty years and are rallying all their forces in support of the ancient establishments of Europe. A numerous and powerful party answers to the summons. It has possession of the armies, the police, and the finances of the continent; but it is opposed by what ever has been and ever will be irresistible,—the spirit of the age. The increase of knowledge is constantly impairing the strength of this party, and augmenting that of the popular party. The abuse of their authority has rendered the mass of the community hostile to its leaders. Great Britain has deserted them, and they must fail in their attempts. Spain may be conquered by her own divisions and by the armies of France, (though we trust a different fate awaits that kingdom)—the noble and generous patriots of humanity may be more than once defeated and trampled down by the legions of the combined despots; but the great cause of freedom will go on, gaining strength and diffusing happiness, until its triumph shall be consummated in the general melioration of the political institutions of the old world. Its martyrs leave examples of more efficacy than all their exertions while living, to animate and encourage their associates. The generous blood of those heroic men, who testify their devotion to the cause of mankind upon the scaffold or in the field, does not sink into the ground, as water spilt in the desert; but fertilizes and invigorates the soil of freedom, and in due season, like the teeth of the Bœotian Dragon, will spring up in a harvest of armed men. The infant minds of the active and enthusiastic, who, by their inborn talent and courage, are destined to lead their contemporaries, the nobility of God's creation, are deeply impressed with the great example, and thirst to imitate it; and whilst the institutions of society press so harshly upon the manners of the age, and militate so strongly against the most valued principles, they never will be without a motive to action. All the improvements of modern times; the manufacturing, mechanical, and scientific arts; the literary institutions; the interests of commerce; and, more than all, the free institutions of this republic, are indirectly opposed, and are constantly raising up enemies to the aristocratic party.

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They must ultimately effect its downfall. It has entered into a contest in which it cannot be successful, until those causes, which contribute to the continuance of society, shall have ceased to operate. The manners, feelings, and opinions of living men must be totally changed; a new inheritance of thought must be bequeathed to their descendants; commerce, literature, and the chief productive arts must be destroyed; the tide of improvement must flow back, and then, but not before, can the doctrines of the holy alliance be reestablished in their primitive security.

In the contest between a party thus destined to prevail and another so determined to resist, in which the very foundations of civilized society must be shaken, it is not impossible that much may take place, which the friends of liberal principles cannot approve. The passions of the multitude, never under the strictest subjection, when emancipated from the severe bonds of despotic government, may lead them into excesses, that will cast a stain upon the popular cause. We hope that this may not be the case; but if it should, to whom ought those excesses to be attributed? Not to the friends of freedom, notwithstanding their followers may be the immediate actors. The efficient cause often lies beyond the apparent agent. Subjects have rights and feelings as well as their rulers. Their passions are excited at any violation of these rights, and their indignation and anger become uncontrollable. When their attention is once attracted to their political interests, and the subtlety, hypocrisy, and injustice of the privileged orders, and their open and secret opposition to any political reform, are made manifest to their understandings; it is folly then to charge upon the lower classes, the guilt of those atrocities which may be committed in a contest between them and the supporters of the ancient order of things, brought on by the opposition of the latter to a reformation, that was called for by the exigencies of society. The consequences to which we allude are the necessary result of such conduct in such a state of society. The operation of circumstances and principles upon men in the mass, may be foretold with as much certainty, as any of the phenomena of the natural world; and if kings and their ministers, with all the lights which are afforded to them by their high stations, will oppose the spirit of the age, their destruction is upon their own heads, as much as if

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they had placed themselves in the channel of a torrent, when they heard the storm gathering in the mountains.

It cannot be expected, that a contest involving such important principles, portending such momentous results, affecting so many interests and upon so extensive a theatre, should pass by, without affecting us in a national point of view. The exercise of belligerent rights upon our extended commerce must present many causes of offence. Besides, the nature of the contest is such as almost necessarily to involve us in disputes with one of the great contending parties. If success should favor the allied monarchs, would they be satisfied with reforming the government of Spain? Would not the Spanish colonies, as part of the same empire, then demand their parental attention? And might not the United States be next considered as deserving their kind guardianship? Would this government be likely to receive more indulgence than that of Spain? Its example does infinitely more hurt to the cause of despotism than ten Spanish revolutions. Its very existence is an attack upon the monarchies of Europe; its economy is a reproach upon their wild extravagance; and its policy condemns their ambition, their unnecessary wars, and their whole political system. In this contest, though not an active, this republic is their most efficient enemy. She appeals to the feelings and interests of men, and creates allies and enlists armies in the camps of her antagonists. The wishes of our citizens, too, are all on the side of the liberal party. These circumstances, connected with the jealousy with which our republican institutions are viewed by the European courts, may produce a state of feeling, that will not improbably result in direct hostility, and it is not impossible that the extravagant pretensions of the Russian Emperor in the Pacific, are only the first steps to a series of usurpations, which we cannot resist without war, nor submit to without dishonor.

Neither is it by the active interference of the allied courts alone, that our pacific relations may be disturbed. Our institutions, feelings, and domestic policy, indeed, place us in opposition to them; but our foreign policy is equally opposed to the commercial systems of the governments advocating liberal political principles. The national policy of the United States is founded upon two great maxims, just and equal laws at home, and reciprocal commerce with foreign nations. The history

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of the country, our wars, treaties, negotiations, and our statutes, fully illustrate this proposition. This commercial system is directly opposite to that, which has always governed the great powers in opposition to the alliance. Spain, when in possession of her South American colonies, scrupulously debarred all intercourse with those fertile countries. If by this revolution she should attain any great physical force, whatever party may rule over the kingdom, it is not probable that the government will acquiesce in their total separation, without making some final and vigorous efforts for their subjection. Whether she should attempt this unaided by her allies, or with the assistance of the holy alliance in case of the success of the despotic party, or of Great Britain, provided the latter should, by the length of the contest and the violence of the alliance, be compelled to side with Spain, is immaterial. In either event it will present a fruitful field of dispute and controversy. The United States have acknowledged the independence of the Spanish colonies; their citizens are engaged in extensive and flourishing commerce with them, and no attempt can be made to subjugate these new powers, without bringing our interests and rights in direct conflict with the pretensions of the invaders. If England should join Spain in her contest with France, the chance of this country's remaining at peace will be still more diminished. Great Britain is a greater monopolist of the commerce of the world than even Spain. Her commercial system has extended itself into every quarter, and has been everywhere followed and supported by her wealth, her intrigues, and her arms. In America, Europe, Asia, and Africa, it is seen and felt, grasping and monopolizing the commerce and carrying trade of all nations. Every war has its preservation for an object, and every negotiation tends to extend and perpetuate it. With nations, advocating a system so opposite to ours, and with interests clashing with those of this republic at so many points, it will be next to impossible, in the agitation and tempest of a general political conflict, to preserve our harmonious relations, and we should be prepared to maintain our rights in the manner in which the rights of such a people should be maintained. These considerations will doubtless induce the government of this country to preserve a rigid and scrupulous neutrality between these great parties. It is indifferent between them. Our feelings as freemen and men

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are indeed warmly interested in the success of Spain; but our national interests are opposed to that policy which its government would probably adopt in conformity with the public feeling of the nation, and a too hearty adoption of their cause would compromise some of our best interests in case of its success. But while this government should preserve a strict neutrality, it should be an armed neutrality. It is an unwise and unsafe presumption to trust to the equity and forbearance of nations at war. In all wars the rights of neutrals are too apt to be regarded by the belligerents in a secondary point of view. Under the pretended sanction of some new principle of national law, their commerce is daily subjected to some vexatious interruption, as this country has already ascertained by dearly bought experience. The questions constantly arising between belligerents and neutrals as to their respective privileges, are tenfold increased in wars concerning opinions, in which the chief civilized powers are engaged for the purpose of supporting or overthrowing any particular system. The elements of society are then in agitation, and the public mind is alive to start and settle new principles in politics and jurisprudence. To vindicate the rights of this country in such a crisis, the government must be able to defend its cause by other means than sound logic. We have not yet arrived at that Utopian age when redress will follow the perception of injustice, and there is still enough of uncertainty and confusion in national law to warrant discussion upon many of the most important privileges of neutrals. New and equally important questions will probably arise, and if we would enjoy the dignity and privileges of an independent neutral, and would give force to our remonstrances and negotiations, we must be prepared to back them with those more weighty reasons that are reserved for the peroration of a national argument.

ART. XVIII.—*An Essay on the Law of Contracts for the Payment of Specific Articles. By Daniel Chipman.* Middlebury, Vt. 1822.

THIS little volume, which was announced in our quarterly list of *new publications* for April, we have thought deserving of a more particular notice, as well on the score of its own

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merits, as of the importance to the profession and the community of the subjects discussed.

Mr Chipman has for some years held a distinguished rank in his profession. And he is not the only individual of his family, whose talents and learning have contributed to the respectability which has at some periods characterized the jurisprudence of Vermont. It is not to the want of legal talents in the state that its degradation at other times is to be ascribed. It has been chiefly occasioned by the manner in which the judges are appointed, the tenure of their office, and, as a natural consequence, the total want, in many cases, of every qualification in those who have held judicial offices, which should command respect and confidence.

In his introduction, the author alludes to this subject, and avails himself of a fit occasion to remind his fellow-citizens of the grand defect in their state constitution, the want of a provision for a permanent and independent judiciary. To this they owe the instability in the administration of justice, which they have sometimes experienced; if indeed we must call by that name those strange decisions of causes, in which neither law nor justice seems to have been regarded or understood, and which strongly illustrate the '*misera servitus, ubi jus est aut vagum aut incognitum.*'

The vulgar prejudice in favor of the annual election of judicial as well as executive and legislative officers, Mr Chipman is disposed to attribute to the common mistake of confounding *civil* liberty, consisting in the impartial administration of equal and expedient laws, with *political* liberty, or the privilege of participating in the government, by the right of suffrage. There is, perhaps, no reason to doubt, that the confusion of ideas to which he refers is very common, and that its tendency is to produce the effect ascribed to it. But for ourselves, we should be quite as much inclined to attribute the jealousy, which is still so generally discovered towards an independent judiciary, to a different cause. We are rather disposed to regard it as the effect of hereditary prejudice, transmitted from the preceding to the present generation.

While this country continued dependent upon Great Britain, the people considered the appointment of their own judicial officers one of their greatest privileges. And where it had been enjoyed, they naturally regarded with extreme anxiety

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and alarm the resumption of that power by the crown. Independence on the people was dependence upon the king, which they had too much reason to deprecate. It was therefore very natural that even honest and intelligent men, not much accustomed to analyze and discriminate on such subjects, should prefer to retain their judges in the same state of dependence, which was considered so important by their fathers, though in circumstances totally different.

A similar prejudice still maintains its ground in several of the states, with regard to the executive power, and it is easily traced to the same origin. Those who framed the state constitutions had been accustomed, before the revolution, to regard with extreme jealousy every exercise of executive authority; while they constantly looked to their legislature as their natural guardians and defenders. It was not therefore to be supposed they would suspect danger from that quarter. And it is to this circumstance we are doubtless to attribute that disproportionate division of power between the legislative and executive departments, in the constitutions of several of the states, which has already compelled some of them to make alterations, and rendered the same measure almost indispensable in others.

These are not, however, the only improvements, which the increasing light of science and experience has produced in our political institutions. In several of the states important amendments have been made, which show the triumph of sound philosophy over prejudice and false theory. In some cases, the palpable defects discovered by experience have occasioned those favorable changes. But they are perhaps to be chiefly ascribed to that almost faultless model which has been presented to the people in the constitution of the United States. We hail with sincere pleasure, as the pledge of still further improvements, the increasing attachment and veneration with which that great national compact is regarded.

Much however yet remains to be done. And it is no small abatement of our satisfaction to recollect, that there are still three among the states of the ancient union, and three others of those since added to the confederacy, which have not yet learned to appreciate the importance of a permanent and independent judiciary. In New Jersey, Ohio, and Indiana, the tenure of the highest judicial office is restricted to seven years, and in

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Georgia to three years; while the good people of Rhode Island and Vermont have not thought it safe to trust those whom they appoint for judges longer than one year at a time. In many cases they would perhaps have been more wise, not to trust them at all.

The states just mentioned, with the exception of Indiana, are not less unfortunate, we think, in their mode of appointing judicial officers, than in limiting their term of office. In Rhode Island they are elected by the freemen; in New Jersey, Georgia, Vermont, and Ohio, by the legislature. In several of the other states the mode of appointing is the same, though the office is holden during life or good behavior, subject in some of them to the disqualification of a certain age, which in New York is sixty years, in Missouri sixty-five, and in New Hampshire seventy years.

The importance of a permanent and independent judiciary has been long felt and acknowledged by the wisest and best men in England, as well as in our own country. But there is one circumstance in our political institutions, which gives it peculiar value. It will be readily understood that we allude to the controlling power of the judiciary over the legislature, when, either through inadvertency or design, it transcends the limits of the institution.

It has been considered in other governments as an axiom in politics, that absolute, despotic power must reside somewhere. And this power the English government has entrusted to the parliament, whose jurisdiction, says lord Coke, is so transcendent and absolute, that it cannot be confined, either for causes or persons, within any bounds.

The danger to be apprehended from the abuse of this uncontrollable power is too manifest to require illustration. Indeed the frequent acts of attainder, and other measures of tyranny and cruelty, which have been pursued in that country, by a dominant faction under the name of a parliament, too clearly demonstrate that no legislative body can be safely trusted with it. And though Mr Locke and other writers upon government have strenuously contended that there resides in the people a redeeming spirit—a paramount authority to alter or remove the legislature, when, by abuse of the powers entrusted to it, those powers become forfeited, and again devolve upon the people; yet this authority, it has been observed, admitting

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its existence in theory, is wholly ineffectual, because the frame of that government contains no provisions for carrying it into execution. The great difficulty is, who shall decide whether the legislature has acted contrary to the trust committed to it by the people? Shall the legislature decide? or shall the right of judging devolve upon the people? In either case it may be objected that the same body is, in some measure, party as well as judge. At the same time, where there is no other alternative, it seems more reasonable that he who appoints the agent should determine whether he has executed the trust confided to him, and remove him if he has violated or failed to perform it; than that the agent should decide upon the correctness of his own conduct. The latter is, however, the practical theory of the English constitution, 'and we venture to affirm,' says a distinguished commentator and judge, 'that so long as it lasts, the power of parliament is absolute and without control.' Its acts, therefore, if so expressed that the intention is clear and manifest, are binding upon the courts, however unreasonable and unjust.

It is obvious then, that the controlling power of the judicial department of government can exist only under a limited constitution,—that is, a constitution which contains certain specific limitations to the authority of the legislature. And in no other way could the limitations of legislative power be preserved from encroachment and violation, but by the agency of the courts of justice, whose duty it is to pronounce all legislative acts void, which are contrary to the manifest provisions of the constitution. Without such an efficient check, it would be vain and useless to insert in the constitution, restrictions of legislative power, or declarations of rights and privileges of the people. And hence has arisen the political axiom, that it is essential to a free government, that the judicial should be coextensive with the legislative power.

In the exercise of those high and important functions, which sometimes require it to pronounce the acts of another department of the government unconstitutional and void, the most independent judges must feel the great responsibility and delicacy of their situation. And they must often need the aid of every motive of patriotism, honor, and duty, to resist or disregard the influence of powerful individuals, wielding the force of a powerful and vindictive faction.

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But it is not merely with a view to guard the constitution from violation, that an independent judiciary is necessary. The protection of the rights of individuals, especially in times of party excitement, is one of its high and sacred duties. And those who at such times minister in the sanctuary of justice, with all the support which official independence can confer, will find occasion for the highest exercise of firmness, prudence, and integrity. What then is to be expected of judges, who hold their offices at the will of a faction, and are selected, not for their talents and integrity, but because they belong to a party, and are pledged to execute its unhallowed purposes?

Such circumstances have not often occurred, and are not perhaps likely to occur in our country. But the people in some portions of it have profited little by their experience, if they have not learned to deprecate the evils and abuses of judicial dependence and instability. And we doubt not that Mr Chipman speaks from his own experience, when he says, 'So long as the judges shall depend for their continuance in office, not on their good behavior, but on an annual election by the legislature, they must be more than men, not to become party judges, whenever party spirit shall arise to any considerable degree. In such a state of things, there can be no government of *laws;* it must, in the nature of things, be a government of men.'

Besides the frequent change of judges in Vermont, there are other causes, we are told, of instability in the administration of the law. Among these, the most inveterate seems to be the restless spirit of legislating upon all subjects and on all occasions. Settled rules of the common law are set aside by statutes, and these in their turn are altered, amended, explained, or repealed, because a supposed wrong construction has been given to them by the courts. 'Or an explanatory statute is passed of more doubtful construction than the statute it was intended to explain.' In addition to all this, two revisions of the whole code of statutes have taken place, 'by means of which, before the sense and meaning of a law was determined by judicial decisions, it has been altered,—and it has often been made a question, whether the *law* should be altered, or a *judgment* set aside by act of the legislature, and the judges displaced.'

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Still we are assured, that 'notwithstanding all the impediments which have been mentioned and others still more discouraging,' the administration of justice has been greatly improved, and the profession have no reason to despair of still further improvements. To promote that desirable end by affording his aid towards a correct decision of some of those difficult questions which frequently occur in the courts, is the object of the author of this essay. And in selecting for his subject 'The law of contracts for the payment of specific articles,' he has certainly chosen one, which sufficiently needed elucidation. Those who are led to examine the questions, to the discussion of which that species of contract often gives rise, will perhaps, with Mr Chipman, be surprised to find so little that is satisfactory in the books.

'My attention,' he says, 'was called to this subject by reading the case of *Weld* vs. *Hadly* in the New-Hampshire Reports. In that case it was decided, that "*when he to whom a tender of specific articles is made in pursuance of a contract, refuses to accept the tender, he acquires no property in the articles tendered, even when the contract is discharged by the tender.*" I was not less surprised at the decision, than I was, on examination, to find that the question had not been previously settled, and put at rest. This led me to a further examination of the authorities on the subject, and, to my astonishment, I found that the rights and duties of parties to contracts for the payment of specific articles—contracts of almost daily occurrence with all men of business in this state, were wholly unsettled—so much so, that I will venture to assert, that not even a professional man can, from the modern reports, or from the modern writers on the English law, either ascertain the rights and duties of the parties to such contracts, or the form of pleading adapted to the different cases as they arise.'

It is not our purpose to examine the legal doctrines of the writer, or his authorities and reasoning in support of them, which would be equally tiresome to our readers and ourselves. The subjects proposed for discussion are presented under the following arrangement. '1. The different species of contracts for the payment of specific articles, the place of payment, and what property is a lawful tender in discharge of each. 2. The pleadings and evidence on the part of the plaintiff. 3. The pleadings and evidence on the part of the defendant. 4. The

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damages. 5. The consequence of a judgment in favor of the defendant, on a plea of tender and refusal, or on a plea that the defendant was ready, at the time and place, to deliver the property, and that the plaintiff did not attend, as it respects the property tendered, or ready to be delivered.'

Under the third section, the facts necessary to be stated, and the form and effect of a plea of tender of specific articles, are examined at considerable length; several important distinctions, which have been often overlooked, are pointed out with accuracy, and the whole subject is relieved from much of the obscurity and inconsistency, in which it had been involved by hasty and contradictory decisions.

In an elaborate discussion of the subject of the fifth section, Mr Chipman has very ably examined the case of *Weld* vs. *Hadley*, before referred to, which he states to be the only case in which that subject has been fully considered since the time of Lord Coke.

In the absence of common law decisions upon several points, which are brought into discussion by the author, he has not scrupled to resort freely to the doctrines and reasonings of Pothier, not merely for illustration, but as direct authority. And we are certainly not disposed to find fault with his availing himself of such valuable aid on this occasion, being ourselves much disposed to assent to the remark of Sir William Jones, that the greatest part of the admirable *Treatise on Obligations* is law in Westminster as well as in Orleans.

Several questions to which contracts of this class occasionally give rise, the author has undertaken to determine, though they have not yet been the subject of any judicial decision. And we are in the main well satisfied with the course of his reasoning, and think his conclusions generally preserve the analogies of the law; though we are not quite sure we should in every case adopt them in their whole extent. A few peculiarities of expression we have noticed, and in some instances a little obscurity, which however we are inclined chiefly to attribute to the subject, and the want of precision in the language of the books referred to. We think, also, that in the arrangement and distribution of the work, some further subdivisions might be made with advantage to those who have occasion to consult it, and especially to students.

Upon the whole, considered as a first essay, upon a branch

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of legal learning involved in no small degree of obscurity and difficulty, we regard it as a production equally creditable to the author, and useful to the profession. And we have no hesitation in saying, that there is no lawyer in our country, however learned and profound, who will rise from the perusal of it without benefit.

ART. XIX.—*The Works of Maria Edgeworth, in six volumes. A new edition.* Published by S. H. Parker, Boston.

IF Sir Walter Scott, though universally allowed to be the author of the novels, be entitled to the name of the 'great unknown;' Miss Edgeworth, though remembered with admiration by all who have ever read her, may with equal propriety be called 'the great forgotten.' The appearance of two volumes of a new and uniform edition of her works, from the press to which we are indebted for an edition of the Waverly novels in the same style, has excited in us the wish of recalling an old favorite to the memory of the public. It was formerly young men and women, not to say boys and girls, to whom the reading of the novels of the day was almost exclusively left by their elders; and so ordinary a branch of letters were they esteemed, that we know of more than one respectable social library, of which the rules imposed the same interdict on novels, as the venerable Accursius did on the Greek language; *Græcum est; non legitur.* Of the three novelists who had acquired a standard character in English literature, Richardson alone was admitted upon the shelves of serious libraries, protected as he was supposed to be, by number of tomes and stiffness of manner, from the danger of being generally read. While his rivals Fielding and Smollet, however superior in genius and wit, were not without reason placed on the same prohibited list with the licentious authors of an earlier date; and Tom Jones and Peregrine Pickle were as rarely almost to be met with as the New Atalantis. Miss Burney introduced a new era and a new style in works of fiction, and was thought safe reading, as far as a novel could be so; and next to her succeeded Miss Edgeworth. It cannot be said of the latter that she 'burst upon the world;' for

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her earlier productions, particularly the most elaborate of them, Belinda, scarce ever rose to the first rank in the public estimation. It was her smaller efforts, her 'Parents' Assistant' and 'Popular Tales,' which first opened the hearts of all good people to her writings, and procured her such a popularity, that the Tales of Fashionable Life, and works which followed upon these, were anticipated with an eagerness, and read with a delight, which our youthful readers, who have come forward under the Waverly dispensation, will hardly credit. Had the field been left undisputed to her, we have no doubt she would have sustained the great popularity she then possessed. 'Miraculous invention' was spoken of, as her characteristic; she was in the full tide of success, and at precisely the time of life when the faculties possess their maturest vigor. At this moment, the Waverly star arose. Destined as it was to rise above all that English literature had to show in this department, we well remember that its first reception was by no means triumphant. It may teach a humiliating lesson as to the infallibility of taste, to reflect that many among those who claim deference for their opinions, turned off Waverly as an indifferent thing, nor was it till the appearance of Guy Mannering, that people began to feel that something beyond Greek and Roman fame, was at work. Since that time, every other writer in this class has been distanced, and the best established reputations thrown into the shade. So steadily has the public taste and curiosity been urged from this wonderful source, a Waverly novel once or twice a year has grown into such a second nature of our intellectual constitutions, that the rising generation must be at a loss to know what their elder brothers and sisters talked about, before such things existed. We are not sure that men in fact are not beginning to be tired of this long continued exhibition of mental splendor and power; and are getting weary of hearing Aristides called the just. It is quite common to hear in circles, not positively azure, that there is a 'great falling off in the two or three last novels;' and certain of the minor wits appear to have grown so uppish, by being pampered on this rich food, that they are amusing themselves with the incredible *niaiserie*, that not Scott, but a certain bugbear of a Dr Greenfield is the author of these works. The shocking nonsense which has been fabricated on this subject, and inflicted on an unoffending community, shows to what a length the scribbling Jeshuruns of the day will run.

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To such of our curious young readers, as would like to know what people read and conversed about fifteen or twenty years since, we would strongly recommend subscribing for Mr Parker's edition of Miss Edgeworth's works. It is neat, correct, compendious, and economical. It will give them her several productions, in an uniform exterior and in an agreeable style of typography, some of which are not to be had in this country, at all, or in very sorry editions. Once possessed of these works, and acquainted with them, they will find that we were not a wholly forlorn race before the Scotch novels appeared. In natural gifts for a novelist, though inferior to Scott, Miss Edgeworth is inferior to him alone. Where she is inferior, it is not so much in that which properly belongs to the novelist, as in those higher and more splendid qualities, which are rather the portion of the orator and the poet, and which Scott has brought into action, in his tales, by a facility of application, of which the literary world has no other example. Miss Edgeworth is likewise inferior in learning to Scott; but learning also—profound, minute, professional, and technical learning—was never before thought of as an accomplishment of a novelist. It remained for the Heart of Midlothian and Mr Saddletree, to show us, that the niceties of the Scotch game laws in an almost unintelligible jargon of law and latin, could heighten the pathos of a fictitious tale. Miss Edgeworth herself, in her Patronage, had made a bold but unsuccessful attempt, to play with this ponderous foil. But in the great qualities of invention, observation of manners, familiarity with life, both elegant and common, of wit and of sense, Miss Edgeworth is not perceptibly inferior to Scott; and in natural powers, if natural they are to be called, is exceeded by him only in that realizing imagination which enables the possessor of it to perceive his mental creations with more than the distinctness of real life, and in that pathos, which is the last great gift by which the poet and the orator exercise their mastery over the human heart. Though inferior, we think, to him in these, we would by no means intimate that Miss Edgeworth does not possess them. A thousand passages, which will recall themselves to all who have read her works, abundantly manifest a vivacity and fertility of imagination, and a tenderness of feeling not often exhibited in an equal degree.

When we consider the circumstances, under which Miss

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Edgeworth has written, the just admiration with which we read her works is heightened. An equal degree of merit in a female author, evinces a much greater mental vigor than in a man, and the whole constitution of society is so opposed to the developement of the female mind in that degree of maturity and conscious power, which are requisite for a successful writer, that a moderate excellence implies much greater native talent. The Abbé de Pradt, in his work on the *Concordats*, has ventured to put Madame de Staël on a level with Mr Burke. We own this sounds to us like monstrous adulation. But when we think of the different education of these two persons, of Burke trained in the British parliament in opposition or union with the greatest minds, and in the administration of the greatest human interests, and Madame de Staël who has given her own character in one line, in saying, 'le fantôme de l'ennui m'a toujours poursuivie;'* and who speaks of desertion by fashionable society, as a situation insupportable, 'surtout pour une femme,' we are more ready to endure the comparison. Beside the natural repression against which a female of talents must labor, before she can become a distinguished writer, Miss Edgeworth lived under many disadvantages. Her remote provincial abode in Ireland was among them, except in the single circumstance of enabling her to view more closely the manners and character of the common Irish. But it is plain, that her attention was given to this subject more than its relative importance required, and that her power of observation has been injured in its application to a large range of human nature, by the length of time during which the lower Irish were forced exclusively upon her notice. The home of Miss Edgeworth, though in many respects a happy one, was not in all things favorable to the developement of her genius. There can be no indelicacy toward a living character, in thus alluding to what her Life of her father has made known to the world. Miss Edgeworth has, for a great part of her life, been employed in the domestic care and education of seventeen or eighteen children of her father. Though this occupation also was advantageous to her as a writer, in furnishing her with materials for one of her most esteemed works; and though the business of education, pursued as Miss Edgeworth appears to have pursued it, is certainly calculated to strengthen and quicken the faculties, yet so many children, and

* Dix Années d' Exil. ch. ii.

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those not her own, are, in all conscience, too many, and in the best regulated family imply a great deal of pretty humdrum nursery work.

The close literary connexion, which subsisted between Miss Edgeworth and her father, was, we think, highly disadvantageous to the formation of her literary character. Mr Edgeworth was a sensible, shrewd, managing man, and was evidently looked up to in his house as a person of uncommon powers. His mind, however, was every way inferior to his daughter's. Instead of aiding her by his counsels, his assistance, and his very dull prefaces, we think it plain that his influence hung like a millstone upon the wings of her fancy. Her spirit could derive no warmth from the intercourse with his. She was prevented from nourishing it in her own silent and lonely meditations, by living constantly in the respected presence of such a dry, matter-of-fact, and withal self-conceited person. The society of kindred spirits is not necessary for the formation of the mind; books supply its place, and solitary exercises furnish a different but perhaps as fine an exercise as the communion of intellects the most congenial. But wo to the understanding, however brilliant its powers, that is compelled by natural affection, or by any other cause to look up to, to respect, to admire a narrow, sterile mind. The family associates also of Miss Edgeworth were such as to form her merely to an elegant mediocrity. Above this level rise none of the Sewards, Darwins, Thomas Days, Honora Sneyds, and others, with whom Mr Edgeworth or his daughter or both were connected; and from whose intercourse or correspondence, her standard of excellence, if not ascertained, must necessarily have been modified. Society favors the individuality of female character so much less than that of men, that all these causes must have operated more on Miss Edgeworth's mind, than the intrinsic insignificance of some of them might seem to threaten. The social tyranny which exacts of every female a certain portion of female littlenesses, is so strong, that even the possession of sovereign power and kingly talents to sway it, was not enough to emancipate queen Elizabeth from the necessity of putting on some ladylike coquetries and airs. In common life, while men are allowed to be as peculiar, as indivdual, as independent as they will, and are prized in proportion to their originality, their poor wives and daughters are

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almost as much subjected to the fashion of the time and place in their characters and pursuits, as in their dress.

We will not now engage in so difficult a speculation as that, whether there be a native difference between the intellect of men and women; whether, as Mr Lawrence urges, there be a sex to the mind. In many of the most important affairs of life the men have taken for granted that there is a marked inferiority on the part of the women, and have accordingly denied them a few small privileges, such as exercising political franchises and inheriting real estate, of which they have thought fit to retain the monoply in their own hands. Wherever, nevertheless, women are called to administer affairs usually intrusted to men, it does not appear that they are apt to fail in masculine powers. The queens of the earth, whom chance has called to the throne, pass very good muster with the kings of the earth; and whenever it so happens that large affairs are to be managed by a widow, by an heiress, or a single woman, it is certain that there is a fair chance of the said affairs being conducted with skill and energy. In Europe it is an extremely common thing for widows to conduct the commercial or manufacturing establishments of their late husbands; and there are few trades in France, from those which require most delicacy and skill, to the coarsest pursuits of husbandry, where the two sexes do not divide the labor in nearly equal proportions. If these reflections and many others of the same kind should lead us to think that the difference of intellectual character between the two sexes arises from education, we shall feel how much more respect and admiration are due to a lady, who, like Miss Edgeworth, has been able to break through the obstacles which society opposes to the acquisition of female literary excellence.

At any rate she is the author of works not to be forgotten; of works which can never lose their standard value as 'English classics,' and deserve that honorable name infinitely more, than half the dull and licentious trash bound up in our libraries, under that title. If, as there is no question, the intellectual taste for life, is, in common cases, determined by the books one reads between the ages of fifteen and twenty-five, to Miss Edgeworth will ever belong the honor of having thus been the instructress of one generation of her contemporaries, and that too at a very crowded and brilliant period of English

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literature. Her novels always found an eager reception, at a time when the poetry of Scott, of Campbell, and of Crabbe, was issuing in its freshness from the press, when the Edinburgh and Quarterly Reviews, then splendid novelties, were to be duly read and studied, when Madame de Staël was at her zenith, and, in a word, when the competition of the noblest wits was only less keen, than at the present day. We have no right to say that this competition has affrighted Miss Edgeworth, and we can only lament that she should have, for any reason, withdrawn from it. It is true, that all classes and orders of readers have agreed to like Scott's novels, more unanimously than any thing was ever liked before; that not only in England and in America, but in Germany and France, they meet with a reception more wide, more prompt, more superstitiously fond, than could be believed possible, were it not known to be real. Yet nevertheless this popularity cannot suspend the known laws of human nature. There is, and must be a large class of readers, and those of the most cultivated and judicious taste, who, if they would tell the truth, would say that the Absentee is as good as Nigel, and Ennui far better than the Legend of Montrose. There must be a large class of those readers on whose suffrages the rank of writers will finally rest, who would at least esteem a novel of Miss Edgeworth extremely valuable by way of a change; and we know not what higher compliment ever could be paid to any novel, than to say that one would pass to its perusal with interest, from that of the most fascinating works ever produced.

ART. XX.—Ἀριστοτέλους Ἠθικὰ Νικομάχεια, ἐκδιδόντος καὶ διορθοῦντος Α. Κ. Δαπάνῃ τῶν ἀναξίως δυσπραγησάντων Χίων. Ἐν Παρισίοις. ΑΩΚΒ.

The Ethics of Aristotle to Nicomachus, revised and edited by A. Coray, at the expense of the injured and oppressed Sciotes. Paris, 8vo. 1822.

SCHOLARS are too well acquainted with the reputation of Coray, to need, on our part, any prolix remarks upon his character. This venerable Greek, if now living, is in his seventy-sixth year, and must have published the work before us when

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passed the age of seventy-five. The preface, of which we shall presently give an account, is written with a vigor not too common at any age, and truly remarkable at the advanced period of life, which Dr Coray has attained; while the ample notes in ancient Greek, are as conspicuous for the rare learning which they display, as for the command which they exhibit of the pure dialect of the old classical writers. We are not acquainted with a specimen of ancient Greek, from the pen of any European scholar of the present day, that can compare with the writings in the ancient dialect of Mr Coray, writings which, instead of being confined to short occasional productions, amount to several volumes of annotations on ancient authors. The course of education, which has been pursued in Greece since the revival of letters, notwithstanding the unavoidable imperfection of their schools, has been more favorable to the acquisition of fluency in the use of the ancient tongue, than the methods of studying adopted in the several European nations. The Grammar of Gaza, written in ancient Greek, has been long the first book put into the hands of learners; and the greater part of this grammar is committed to memory. Besides this, it does not appear that the traditionary acquaintance with Greek, as a living tongue, has ever ceased among persons of education in Greece. The fugitives from Greece, in the fifteenth century, certainly brought with them to Italy this traditionary acquaintance with the language of their country; and the ritual of their worship alone and the use of the Greek Testament must have kept it up in the church.

The volume before us is dedicated to 'the newly constituted government of all the Greeks.'* It forms the fourteenth volume of the Ἑλληνικὴ Βιβλιοθήκη, which Mr Coray has edited. The ten first volumes were published at the expense of the brothers Zosimades, whose name and munificence are known to all acquainted with the literature of the modern Greeks. Of these ten volumes, two contained the works of Isocrates, six the works of Plutarch, and two the Various Histories of Ælian, the Fables of Æsop, the Stratagems of Polyænus, and some smaller works. From the tenth volume onward the work has been continued, at the expense of the funds of the school at Scio. They contain tracts of Galen and Xenocrates,

* Τῇ νεοσυστάκτῳ Πανελλήνων πολιτείᾳ τὰ Ἀριστοτέλους Ἠθικὰ, ὁ Ἐκδοτής.

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the Thoughts of Marcus Aurelius, the first volume of Strabo, and the Politics and the Ethics of Aristotle. Most of the latter volumes, besides the critical and explanatory notes in ancient Greek, contain prefaces or introductions in the modern dialect, which Dr Coray has made the vehicle of various prudential and hortatory addresses to his countrymen. We propose, at the present time, to call the attention of our readers to the introduction of this work; and as few opportunities present themselves to most scholars in this country of comparing the present dialect of the Greeks with their ancient tongue; and as Dr Coray is allowed to write a purer dialect than any of his learned countrymen (though, as one party among them alleges, a dialect, for this very reason, less genuine), we shall accompany most of our extracts with the original in a parallel column.

Εἰς τὴν ἔκδοσιν αὐτῶν ἐτόλμησα καὶ τινὰς διορθώσεις τοῦ κειμένου, ὡς ἔκαμα καὶ εἰς τὰ ὁποῖα πέρυσιν ἐξέδωκα Πολιτικὰ τοῦ φιλοσόφου. Ἐλπίζω ὅτι δὲν θέλουν κατακριθῆν ὅλαι ἀπὸ τοὺς ἱκάνους νὰ κρίνωσι τὰ τοιαῦτα. Σημειώσεις ἐπεθύμουν νὰ γράψω μακροτέρας διὰ τὸ δυσνόητον τοῦ συγγράμματος· ἀλλὰ τὸ βαρὺ γῆρας, βαρυμένον ἔτι πλειότερον ἀπὸ τὰς ἀπροσδοκήτους συμφορὰς τῆς Χίου, δὲν μ' ἐσυγχώρει τόσους κόπους. Μόνην παρηγορίαν εὑρίσκω ταύτην, ὅτι βλέπω τοὺς συμπατριώτας μου, ὅσοι ἐσώθησαν ἀπὸ τὴν μάχαιραν τοῦ ἀνόμου τυράννου, παρηγορουμένους μὲ τὴν ἐλπιζομένην τελείαν ἀπολύτρωσιν τῆς Ἑλλάδος, καὶ μὲ τὴν γενναίαν ἀπόφασιν νὰ ἀνακτίσωσι τὴν γῆν τῆς γενέσεως αὐτῶν πολὺ λαμπροτέραν τῆς προτέρας.

Ἡ Ἑλληνικὴ Βιβλιοθήκη ἐτυπόνετο ἐσχάτως καὶ τυπόνεται ἀκόμη μὲ δαπάνην τῶν Χίων. Εἰς τὴν κεφαλίδα τῶν Πολιτικῶν τοῦ Ἀριστοτέλους ἐσιωπήθη τὸ ὄνομά των, διὰ τὸν φόβον τοῦ ἀγρίου τυράννου. Ἀλλὰ τώρα, ἐπειδὴ δὲν ἔμεινε τί ποτε πλέον νὰ φοβῶνται ἀπ' αὐτὸν, καὶ τὸ ὄνομά των ἐπαναλαμβάνει τὸν τόπον του, καὶ αὐτοὶ μὲ τοὺς λοιποὺς των ὅλους ἀδελφοὺς Ἕλληνας ἐμποροῦν καταφρονητικῶς νὰ φωνάζωσιν εἰς τὰς ἀκοὰς τοῦ τυράννου ὅ, τι πρὸ εἰκοσιδύο ἐτῶν τον ἐκατάρώμην, ἀγανακτῶν διὰ τῆς Ἑλλάδος τὴν δυστυχίαν,

In the edition of the Ethics, I have ventured some corrections of the text, as I did also in the edition of the Politics of Aristotle, which I published last year. I hope that they will not all be condemned by those competent to judge of these matters. I wished to write longer notes, on account of the difficulty of the original. But the heaviness of age, rendered still more grievous by the unlooked for disasters of Scio, has not permitted me such efforts. I find but one consolation, which is this, that I see those of my countrymen, who have escaped the sword of the lawless tyrant, cheered by the hope of the entire deliverance of Greece, and with the noble purpose of rendering the land of their birth more glorious than before.

The *Grecian Library* has of late been printed and is so now at the expense of the Sciotes. Their name was omitted at the head of the *Politics* of Aristotle, through fear of the stern tyrant. But now, that there is nothing left for them to fear from him, their name resumes its place, and they themselves, with all their Grecian brethren, may scornfully cry in the ears of the tyrant, what, twenty two years ago, incensed at the calamities of Greece, I denounced against him, "although thou gnawest my roots, O goat, I shall yet bear fruit, that shall yield a libation for thy sacrifice."

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Κἂν μὲ φάγῃς ἐπὶ ῥίζαν, ὅμως ἔτι καρποφορήσω
Ὅσον ἐπισπεῖσαι σοι, τράγε, θυομένῳ.

Δὲν εἶναι δίκαιον ὅμως νὰ σιωπήσω τὴν πρόθυμον συνδρομὴν εἰς τῶν Πολιτικῶν τὴν ἔκδοσιν ἐνὸς ἀπὸ τοὺς ὁμογενεῖς· τοῦ ὁποίου μὲ κακοφαίνεται ὅτι δέν με συγχωροῦν αἱ περιστάσεις νὰ φανερώσω τὄνομα. Ὁ χρηστὸς πολίτης οὗτος ἐπῆρε σώματα τῶν Πολιτικῶν 150, καὶ τὰ ἔστειλεν εἰς τὴν Ἑλλάδα μὲ σκοπὸν νὰ ἐλαφρύνῃ τὸ βάρος τῶν Χίων, οἱ ὁποῖοι κατεδαπανῶντο τότε νὰ τρέφωσι καθημέραν τοὺς μέλλοντας νὰ πληρώσωσι τὰ τροφεῖα μὲ τὸν ἀφανισμὸν τῆς Χίου.

It is not just nevertheless, that I should conceal the liberal contribution toward the publication of *the Politics* of one of our countrymen, whose name it grieves me that circumstances permit me not to disclose. This excellent citizen took 150 copies of the Politics, and sent them to Greece, in order to lighten the burden of the Sciotes, then charged with the daily support of those who were soon to repay the costs of their support, with the destruction of Scio.

We have made this extract to satisfy our readers, if any needed the information, as to the character of the two parties in the murderous conflict, which is waging in Greece. They perceive that it is not, what some would represent it, a bloody struggle between between barbarous masters and not less barbarous slaves, in which it is difficult to take a lively interest. It is, on the contrary, a struggle between cruel and barbarous masters, and a people whose hard earned wealth is devoted to the collection of libraries, to the printing and circulation of books, and to the improvement of the means of education. At the very moment when blood was flowing in the streets of Scio, beneath the Turkish sword, when its wives and daughters were sold by tens of thousands into a heart-rending slavery, and its sick and aged burning alive in the houses, the funds of the college, which flourished in this devoted island, were employed at Paris in the publication of the choicest remains of ancient literature; employed beneath the eyes of a christian government, and in the face of Europe.

The introduction or preface to the work we are considering, taking occasion from the successive publication of the Politics and Morals of Aristotle, treats, in a practical way, and with application to the present state of Greece, the all important thesis maintained by Cicero, that morals and politics are one. To their separation, or in other words, to the administration of government on any other than the principles of morality, Dr Coray traces the vices of all states. The following is one of his illustrations:

Διὰ τὸν χωρισμὸν τοῦτον τῆς Ἠθικῆς ἀπὸ τὴν Πολιτικὴν κυβερνῶνται σήμερον αἱ Ἑλληνικαὶ Ἑπτάνησος, ὡς δὲν ἤλπιζεν,

By this separation of morals and politics the Seven Ionian Islands are now governed, not as they hoped, by a nation who

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ἀπὸ ἔθνος τὸ ὁποῖον συνέτριψε πρὸ πολλοῦ τῶν ἰδίων αὐτοῦ δεσποτῶν τὴν σιδηρᾶν ῥάβδον. Διὰ τὸν χωρισμὸν τοῦτον, ὄχι μόνον ἐξωρίσθησαν ἀπὸ τὴν ἰδίαν πατρίδα οἱ ταλαίπωροι Παργηνοί, ἀλλὰ καὶ συκοφαντοῦνται ὡς ἀδίκως καταρώμενοι τοὺς αἰτίους τῆς ἐξορίας των. Ὁ χωρισμὸς οὗτος τῆς Πολιτικῆς ἀπὸ τὴν Ἠθικὴν καταδικάζει σήμερον ὅλους τοὺς Γραικοὺς, ὡς ἀποστατάς. Διὰ τί; διότι ἔχασαν πλέον ὑπομονὴν νὰ συζῶσι μὲ θηρία!!! Τοῦ χωρισμοῦ τούτου...Ἀλλὰ τίς ἡ χρεία να ἀπαριθμῶ τὰ πολλὰ καὶ μεγάλα κακὰ τῆς χωρισθείσης ἀπὸ τὴν Ἠθικὴν Πολιτικὴς, τώρα μάλιστα, ὅταν ἡ διόρθωσις αὐτῶν μελετᾶται καὶ ἐλπίζεται ἀπὸ τοὺς φρονίμους ἡγεμόνας τῶν φωτισμένων ἐθνων;

long since broke the iron rod of its own despots. By this separation, the miserable inhabitants of Parga were not only exiled from their country, but are denounced as unjustly execrating those guilty of their exile. This same separation of politics and morals now condemns the race of Greeks as rebels. And why? because they have no longer the patience to be degraded to the level of beasts...But why need I enumerate the many and great evils of the separation of morals and politics, now especially, that their correction is meditated and desired by the wise rulers of the enlightened nations?

The gravity of the occasion does not allow us to doubt of the sincerity of the compliment to the holy alliance, in the close of this extract; it might else seem like bitter irony.

In the progress of his introduction, Dr Coray discusses the questions, whether it be possible to effect an entire union of morals and politics, that is, to administer a state purely on moral principles; and, secondly, whether it would be practicable for a state thus administered to prolong its political existence to perpetuity. These questions give occasion to examine the rise and progress of civilization and of moral science in Greece, and to compare the doctrines of the Academic, Peripatetic, and Stoical philosophy, with respect to morals. Dr Coray acknowledges that the union between morals and politics was scarcely understood and no where successfully applied, in the ancient states, and attributes the great superiority of modern Europe in this respect to the art of printing. As the ultimate design of the whole essay is to address a seasonable word to those now engaged in modern Greece, in laying the foundations of a new independent state, Dr Coray passes to the application of his thesis to several points of legislation, affecting this important union of morals and politics. In mentioning the causes, by which the citizen is defrauded of the fruits of his labors, he alludes to the multiplication of religious festivals, in a somewhat amusing manner:

Στερεύεται ἀκομὴ ὁ πολίτης τοὺς καρποὺς τῶν ἰδίων κόπων, ὅταν ἀναγκάζεται νὰ ἑορτάζῃ συχνά. Αἱ ἑορταὶ ἤγιναν εἰς ἀνάπαυσιν τῶν κόπων, ἀνάπαυσιν ἀναγκαίαν

Again, the citizen is defrauded of the fruits of his labors, when he is compelled to keep frequent festivals. Festivals were designed as a recreation from labor, a

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εἰς τὸν κοπιάζοντα, διὰ νὰ μὴν ἐξαντλήσῃ τὰς σωματικάς του δυνάμεις. Ἀλλ' εἶναι ὄχι μόνον ἄδικον, ἀλλὰ καὶ γελοῖον, νὰ τὸν ἀναγκάζῃς νὰ ἀναπαύεται ὅταν αὐτὸς δὲν αἰσθάνεται χρείαν ἀναπαυσέως. Ἐὰν τὸ, Οὐ σχολὴ δούλοις, ἔγινε παροιμία τῶν τυράννων, δὲν εἶν' ὀλιγώτερον τυραννικὸν νὰ ζιάζεται ὁ πολίτης νὰ σχολάζῃ, ὅταν εἰς αὐτὸν συμφέρῃ νὰ ἀσχολᾶται. Τοιαύτα εἶα ὄχι μόνον δεσμεύει ἀνόμως τὴν ἐλευθερίαν τοῦ πολίτου, ὄχι μόνον στερεύει καὶ αὐτὸν καὶ ὅλην τὴν πολιτείαν ἀπὸ τὰ κέρδη τῆς ἐργασίας του, ἀλλὰ καὶ τὸν παρακινεῖ εἰς πράξεις κακὰς, μὴ δυνάμενον νὰ ἀσχολῆται εἰς τὰ καλὰ. Τὰ καπηλεῖα καὶ τὰ πορνοστάσια τὰς ἑορτὰς μάλιστα γεμίζονται.

recreation necessary for the laborer, that he may not exhaust his corporeal powers. But it is not only unjust, but even ridiculous, to compel him to relax, when he himself feels no need of relaxation. If it was a proverb of tyrants, that *there is no leisure for slaves*, it is not less tyrannical, that the citizen should be compelled to be at leisure, when it is for his interest to be employed. This constraint is not only an unjust encroachment on the liberty of the citizen, not only deprives him and the whole community of the value of his labor, but excites him to vice, from the inability of being virtuously occupied. It is on the festivals that places of vicious resort are most crowded.

In speaking of the obstacles to the union of morals and politics, Dr Coray attributes much to the influence of the monks and the nobles in defeating it. So insignificant is the monastic institution, in any political respect, in Europe, that we presume this part of his remarks is exclusively designed for the meridian of Greece. The monastic establishments, in that country, have enjoyed a greater share of protection, under the Turkish government, than individual rights of any kind. Meteora in Thessaly, Megaspelia in Arcadia, Mount Athos, and numerous other extensive and wealthy monastic establishments, having been able to purchase from time to time the confirmation of their privileges, have afforded an asylum to a large class of monks, and their influence has of course been in proportion to their numbers and wealth. Dr Coray informs us in a note, that, notwithstanding the base and mercenary conduct of this class on some occasions, during the present war in Greece, they have generally distinguished themselves for their readiness to sympathise and act with their countrymen.

With respect to the other privileged class, namely, the nobility, Dr Coray enters more into detail, referring to the provisional constitution, which has been adopted in Greece, in two articles of which it is made the duty of the executive branch (ἡ νομοτελεστικὴ ἐξουσία) to propose some law to the assembly, relative to badges of honor and rewards for distinguished citizens. Dr Coray considers this as a proposal, in disguise, for an order of nobility, and, as such, he treats it justly with alternate contempt and ridicule. If it be true that, in an old country, it would be an act of violent injustice to dis-

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franchise a privileged hereditary class, it is not less true, that to attempt to create one where it does not exist, would infallibly result in exposing the unhappy persons selected for this object to the ridicule and hatred of their fellow-citizens. The most powerful prince that ever ruled, declared it impossible to make a word, by law; to make an institution which must rest on the habits and prejudices of the people, must be surely harder.

Ἔπειτα, τὰ ὑλικὰ καὶ αἰσθητικὰ παράσημα ταῦτα σύρουν ἐξοπίσω των φυσικὰ καὶ τοὺς ὁλότελα ἀσημάντους τίτλους· εἰς ἡμᾶς δὲ καὶ γελοίους, ἂν προσκολληθῶσιν εἰς ὀνόματα προγονικὰ, οἷον Θεμιστοκλῆν, Ἀριστείδην, καὶ ἄλλα τοιαῦτα, ὁποῖα συνειθίζουν σήμερον πολλοὶ ἐξ ἡμῶν, ἢ αὐτοὶ μετονομαζόμενοι ἢ ὀνομάζοντες τὰ τέκνα των. Ποία, παραδείγματος χάριν, σύνταξις ὀνομάτων καὶ συγκόλλησις ᾠμολοχικωτέρα δύναται νὰ ἐπινοήθῃ ἄλλη παρὰ τὸν Κόμητα Θεμιστοκλῆν, τὸν Βαρόνον Ἀριστείδην, τὸν Μαρκέζην Δημοσθένην, τὸν Δοῦκα Φωκίωνα, ἢ τὸν Πρίγκιπα Σωκράτην· καὶ μάλιστα ἂν οἱ Κόμητες, οἱ Βαρόνοι, οἱ Μαρκέζαι, οἱ Δοῦκες, καὶ Πρίγκιπες Ἕλληνες οὗτοι καθίσωσι καὶ δικασταὶ εἰς αὐτὸν τὸν Ἄρειον πάγον.* Τοιαῦτα ἐπίθετα, ὡς ξένα τῆς Ἑλλάδος, οὔτ' Ἑλληνικὸν στόμα πρέπει νὰ τὰ προφέρῃ, οὔτ' Ἑλληνικὴ ἀκοὴ νὰ τὰ ὑποφέρῃ.

In the next place, these material and sensible insignia draw after them naturally titles wholly insignificant, and for us also ridiculous, when attached to those ancestral names, such as Themistocles, Aristides, and others, which many of our citizens are accustomed to adopt, either changing their own names or in naming their children. What conjunction of names, for instance, can be imagined more ridiculous than that of the Count Themistocles, the Baron Aristides, the Marquis Demosthenes, the duke Phocion, or the Prince Socrates; especially if these Grecian Counts, Barons, Marquesses, Dukes, and Princes, are to sit as judges of the Areopagus.* Such titles, so foreign to Greece, ought neither to be uttered by a Grecian tongue, nor endured by a Grecian ear.

This passage is succeeded by a very judicious course of remark, on the folly of attempting to found a nobility in Greece. It appears from the observations of Dr Coray, whose testimony to the matter of fact will be allowed to be decisive, that all the traces of the nobility of the Greek empire have been effaced, in the indiscriminate subjection of the nation to the Turkish yoke, commencing after so many ages of degeneracy, as must themselves have produced the extinction of most of

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* Ἴδε καὶ σύνομα τοῦ Ἀρείου πάγου προσκολλημένον εἰς τὴν Δικαστικὴν ἐξουσίαν. Ἐπαινετὸν εἶναι ἡ μίμησις τῶν προγονικῶν καλῶν· ἀλλ' αὐτὴ στέκει εἰς τὰ πραγματὰ, καὶ ὄχι εἰς τὰ ὀνόματα. Ἂς σπουδάσωμεν ν' ἀποκτήσωμεν δικαστήρια ἀδέκαστα, ὡς ἦτον ὁ περίφημος Ἄρειος πάγος, καὶ ἂς ἀφήσωμεν τὸ ὁποῖον δὲν ἁρμόζει πλέον εἰς αὐτὰ ὄνομα.

* See also the name Areopagus attached to the judicial power. The imitation of what was good in our ancestors is praiseworthy; but let it be in things, not in names. Let us endeavor to obtain a judiciary as incorrupt as the renowned Areopagus, and give up a name which is no longer applicable to it.

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the ancient families. The barbarity of many of the family names of the *soi-disant* Greek nobles, are sufficient to convince us that they can be neither of Greek, Roman, nor even Venetian descent, but the growth of the ignorant ages which have succeeded the conquest of the Turks. The only source of any thing like nobility among the Greeks, since the Turkish domination, has been the government of the provinces of Wallachia and Moldavia. The unfortunate aspirants to these offices, the almost infallible passport to the bowstring, have assumed the name of Vlachbey (βλαχμπεϊ) or prince of Wallachia, and of this quality are the Murusis, Ypsylantis, Soutzos, and others, some of whose names appear in the contemporary accounts from Greece. Of the feeling likely to be excited by any attempt on their part, to set themselves up, as an order of Grecian nobility, we may judge by the following remarks of Dr Coray.

'If in the time of the Byzantine emperors, privileges of this kind existed, the tyranny of the Turks has abolished them all, or limited and engrossed them, in the sole detested person of the tyrant; unless one should account as privileges the two governments of Dacia, which he has entrusted to the Greeks, in order that the governors and their satellites may grow fat from the fruits of the bloody sweat of the miserable Dacians, only to be butchered themselves more promptly than others. Of such privileges received but from the blood thirsty sultan, and to be exercised, not towards their fellow-slaves the Grecians, but alien tribes, it must be the wish of all who enjoyed them, if any perchance have escaped the sword of the tyrant, that the recollection may perish, as the only mode in which they themselves will be recognised and loved as brethren by their fellow-citizens of Greece. If any one of them should be so unfortunate (which I do not believe) as now to think of such privileges, to hope for honors or expect precedence from the Greeks, on account of them, he would fall into a truly ridiculous error. The Greeks were never governed by them, but the Dacians.'

Considering the weight and authority, which the opinions of Dr Coray possess in Greece, it may not be wholly discreet, thus to draw invidious distinctions between the inhabitants of Wallachia and Moldavia, and the inhabitants of Greece proper. The government of the former by Grecian Hospodars, has never been regarded in the light in which Dr Coray represents it, as an aggravated slavery. On the contrary, no

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part of Greece, out of Constantinople, possesses so numerous and wealthy a class as the Boyars of Wallachia; and Dr Coray's παλαίπαροι Δάκοι set an earlier example of zeal for improvement in the schools of Bucharest than was set by Greeks, properly so called, in most parts of the Turkish empire. In fact as the Wallachians and Moldavians, whatever be their historical origin, are now Greeks in religion, many of them in language, all in ignominious subjection to the Turks, and in manful resistance to it, we should esteem it unwise to throw out any taunting comparisons of the degree not of liberty but of slavery, which they may have experienced. We presume, however, that Dr Coray's remarks had some judicious personal reference, and alluded to the absurd claims of the Wallachian princes to preferment or prerogative in the newly constituted state. Such a pretension at the present day, would be indeed, as our author calls it, ridiculous; and equalled only by the pompous infamy of the nobles of the Greeks of the last days of the empire, who were not ashamed, amidst the insults they received from the Turks, to preserve such titles as Πανυπερπρωτοσεβαστοϋπέρτατος.* Well does Dr Coray, in repeating this difficult title of dignity, exclaim, 'Wretched tribe! these noble polysyllables submitted to the Turks!'

As means of improving the state of his native land, and hastening its progress to independence, Dr Coray justly recommends an attention to the business of education, and directs the notice of his countrymen to the teaching of the elementary branches on the system of mutual instruction (διὰ τῆς ἀλληλοδιδακτικῆς μεθόδου), and the study of the ancient Greek. As more immediate means of pursuing the present contest with success, he enforces the necessity of husbanding the resources of the country, consisting in taxes to be equally levied on all, and on the voluntary contributions of the wealthy friends of Grecian liberty. In a note is mentioned, with deserved commendation, the generosity of a citizen of the name of Varvaces, whose donations to the public have amounted to six hundred thousand roubles.—In the conclusion of this essay the Greeks are exhorted to strengthen their naval power, as the surest means of prosecuting the war to final success; and the essay closes with an injunction to conduct the contest with hu-

* Ducange vouches for this title. We should not better know how to translate πανυπερπρωτοσεβαστοϋπέρτατος, than by Honorificabilitudinitatibusque.

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manity. 'Our warfare is with Turks,' says he, 'but let us not contend like Turks.'

Such is a naked outline of this interesting treatise. It has suggested some ideas to us, relative to the present state of Greece, to which we still further ask the attention of our readers. It is the preface to a learned edition of an ancient Greek classic, published by a Greek citizen, at the expense of the unfortunate Sciotes, and designed for use in the schools of that country. Even these few facts may serve us as a standard, whereby to measure the state of civilization of modern Greece. The contradictory and often splenetic accounts of travellers, and the unfavorable pictures which they have given us of those parts of the Grecian character, with which travellers and factors become acquainted, have done much to weaken the public sympathy for the Greeks. We have been told that they are barbarous, superstitious, fraudulent; and, in all moral qualities, no better than their Turkish tyrants. We in this country, however, at least ought to be careful how we adopt the representations of travellers as to a people's character. If our national character were to be ascertained in this way, we must not only be proclaimed to the world as possessing most of the very vices charged to the Greeks, but other base qualities not yet laid to their charge. Not a year passes, in which the English press does not send forth the attestation of some worthy tourist to all that is odious, contemptible, and flagitious, as existing in America. From these accounts we naturally appeal to facts, which are in the face of the world. To public facts then we appeal, in behalf of the Greeks. They are, in their religion, christians of a most ancient and venerable communion, and in their church alone, of all the churches in christendom, the New Testament is read in the original tongue. When we are told of the ignorance and superstition of the common people and of the inferior clergy, we would ask whether any one supposes for a moment, that these are greater in Greece than in Russia, in Italy, and in Spain. Moreover, in this fact, that the Greeks are christians, no small testimony is paid to their character. Every thing said in commendation of the boldness and courage of the primitive church, applies, in no small degree, to the faithful remnant in Greece, at the present day. Do we commemorate the pious constancy of those, who, either against the domestic tyranny of the Jewish hierarchy,

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or the haughty persecution of the Roman paganism, held fast their faith; and do we deny all commendation to those who hold it fast in like manner against the merciless domination of mahometanism? Conscious of the little effort which it costs us to maintain the public profession of christianity, we do not render justice to those, who frequent their churches amidst the insults and outrages of unbelieving and barbarous task-masters. In the next place, the state of education in Greece is a fact before the world, which entitles them to our sympathy as a civilized people. It is well known that several of their high schools compare advantageously with those in Europe. That of Scio, before its late destruction, was perhaps equal to any seminary of learning in the United States of America. Four hundred pupils resorted to it, from various parts of Greece. Instruction in the highest branches was given by twenty teachers, most of whom had been educated at Paris, in Italy, and in Germany. The most popular text-books in the exact sciences, in morals, and metaphysics, were translated from English, French, German, and Italian, and made the basis of the instruction. A library of ten thousand volumes had already been collected, and a considerable sum was annually appropriated to its increase by the liberal Sciotes; at whose expence also the six last volumes of the Grecian classics were published at Paris. In addition to all these means of education at home, a large number of young men were annually sent to the German, Italian, and French universities, to receive the best education which those seminaries could furnish. These are all facts, of many of which we have personal knowledge; and they prove, we think, an attention to education which justly entitles the Greeks to our sympathy as a civilized people. It is another fact, that they are an enterprising and industrious people. The Greek marine, considering the disadvantages under which it necessarily labors, is a proof of astonishing perseverance and enterprize. Six hundred sail of vessels, great and small, belong to the Hydriotes, inhabitants of a little island, scarce known in ancient geography; and from Tricheri, a small town in the gulf of Volo, where, within the memory of man, a few fishing-boats only existed, eighty vessels navigate the Mediterranean. The Grecian vessels are many of them built with great beauty. Their skill in navigation is attested by the most competent witnesses, and we

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have heard one of the most accomplished officers in our own service, speak with admiration of the success, with which he saw a Turkish squadron, in a squall, brought into port at Constantinople, by the dexterity of the Greek sailors on board it. We are accustomed to appeal to our marine as a proof of an enterprising character, of industry, and of progress in the arts of life. Do the facts we now mention—existing in spite of the most galling oppression on earth—prove less in favor of the Greeks? But it is not in this alone that the Greeks have made some progress in the arts. The ordinary branches of industry are pursued in Greece. Extensive cotton factories exist in Thessaly, conducted with such skill in the art of dying, that workmen have been sent for to introduce their processes into France. If all these facts, and many more like them, which may be gleaned even from the travellers who speak most unfavorably of the Greeks, are put together, and the obvious conclusions deduced from them, it will result that the Greeks are a christian, civilized, enterprising, industrious people, and entitled to the sympathy of the civilized world, in their present contest against the Turks.

This contest is of a peculiar character, one to which the history of modern Europe affords no parallel. The Turkish power was once great and formidable; and while it was so, the neighboring states of Russia and Austria were constantly at war with it, and every body prayed for their success. A horror of Turks, at least as old as the crusades, and older than the destruction of the lower empire, possessed the christian world; and in virtue of this horror, a war against them was like a war against pirates; all were allies against these *hostes humani generis*. The Turks are now weak. Their government, the worst constituted in the world, has not been administered for a century by a prince of those commanding military qualities, which formerly gave energy to the ill compacted mass. Their institutions, originating in a wandering and Nomadic life, and calculated only for it, have become more and more inadequate to their settled state. The nature of the Turkish institutions is such, that, as Burke says of the French king at his restoration, the people must be always on horseback. A stationary nation living in towns, cities, and villages, requires a permanent tenure of property, the art of printing, and, we think, we may add the christian religion, if in contact

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with christendom. The Turks have neither; the Sultan is every man's heir, the art of printing is proscribed, and the profession of a strange and barbarous faith cuts off that bond of sympathy, which in so many ways unites christians, both as communities and as individuals. Such a state of things is very compatible with a Tartarian existence, and with the acquisition of great power and the achievement of extensive conquests, by dint of an overwhelming troop of men and horses. But it is incompatible with stationary national existence, and it is a notorious fact that at the present day the Turkish empire is disorganized. It is this circumstance, which adds the darkest shade to the picture of Greece. The garrisons and armies of this enervated and disorganized empire, are still maintained, in their various encampments in the Grecian cities, by the possession of arms which the unfortunate Greeks too often stand in need of; by the want of concert among their victims; and by the desperation of having every thing to lose in the struggle. With these principles of self-preservation in themselves—none of which, it is plain, furnishes the means of final permanent success in the contest with an exasperated and outraged people—it is a melancholy, an odious truth, that the Turks derive their great strength from the jealousy of the principal European powers. Whoever reflects a moment on the conduct of Mr Pitt, in despatching a courier to Catharine II, to denounce war against that empress, if she occupied the single Turkish town of Oczakoff, is possessed, in this disgraceful step, of a key to the whole European policy with respect to the Greeks and Turks. A moment's cooler deliberation enabled Mr Pitt, by despatching a second messenger, to recall the first and to prevent England, and probably Europe, being plunged into a war on this point, at that time. But the shrewd Turk knows, and the unhappy Greek knows, that England had rather have the Sultan at Constantinople than the Czar; and that Russia, standing at the head of the holy alliance—the most solemn covenant ever formed by man, and of which the only avowed object is to secure the administration of Europe, on the principles of christianity—would yet, a thousand times, prefer the dominion of the Turks to that of the English. In this, perhaps, they do not exceed the ordinary limits of selfishness. But cannot all the skill of so many profound politicians contrive some league—is there no sketch or

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prospectus of a covenant in the 'pigeon-holes of the bureau' of Prince Metternich, or Count Nesselrode, by which aid and countenance shall be offered to the Greeks; and their independence guarantied, not only against the Turks but against the allied powers. We think well enough of the princes and ministers of the present day, who, in the words of the author of 'Europe,' are 'not a group of Neros or Sejani, but, in general, persons of accomplished minds and amiable dispositions,' to believe that there is not an individual among them, who had not rather see the Greeks possessed of an independent political existence, than subjected to the present afflictive and heart-rending despotism of the Turks. We can think only of three considerations which stand in the way of such a league as we have mentioned, by which aid and assistance should be given the Greeks, and their independence guarantied against all persons whatsoever. The first reason may be, that if made independent, they might nevertheless in the sequel be seized upon by the neighboring powers, by Russia, by Austria, or by England. Against such a seizure, however, we would have the covenant forever to run. Not only for the moment, but as long as the danger or the possibility should exist of the event provided against. This is a very practicable measure. It has been acted upon more or less for three centuries. Every small state of Europe exists by virtue of it. It would contain nothing new, visionary, or enthusiastic, in favor of the Greeks. It would be doing no more for them, than is daily done for Holland, Portugal, and Rome; for every state of Europe but poor Poland, where the guardians were able to agree on the plunder. What would be the effect, if England should seize on Holland, by a *coup de main*? The Russian peace establishment of 800,000 men would receive marching orders, and the Cossacks of the Don would travel on a hair line down to the Hague. What would be the consequence if the Austrian eagle should pounce on the long coveted lands of the ecclesiastical dove? A hot press would sweep the Thames; prince Esterhazy would receive a note from Downing-street, expressive of 'the great interest which his Britannic majesty takes in the preservation of the integrity of the ecclesiastical state,' and the somewhat rusty sword of 'the defender of the faith' would leap again from the scabbard. The guarantee we mention would amount to no more than the admission of the Greeks as a nation into

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the pale of christendom, and an extension to them of those privileges, which the balance of power in Europe secures to its states. Another reason against assisting the Greeks to become an independent nation may be, that their natural advantages are so great, their geographical position, their range of continental coast, their islands, and their climate, would so favor their growth, that they would themselves soon become formidable as a rival in commerce, or a competitor for power, to the great states of Europe. We have no idea of the possibility of such an event, though the question is too large for present discussion. We are inclined also to think that such a fear is too remote and contingent, to operate on the minds of the kings and ministers of the present day, and we have only adverted to it as a possibility. It cannot, we trust, be thought *probable*, that enlightened and christian princes and rulers would deliberately condemn their fellow men and fellow christians to the continuance of a cruel and barbarous tyranny, merely for fear that, as an independent power, they might come in for a share of the world's commerce. The third and only remaining conceivable reason which suggests itself to our minds is, that the Greeks are not held capable of governing themselves. The mode in which the Ionian islands have been dealt with favors this idea. A despotism more humane, but not less absolute, than that of the Turks, is maintained in those islands by the English; and it is only by a strong military power, that the government of the lord high commissioner is kept up. This, we suppose, is defended on the ground that the Greeks of the Ionian Islands are unfit for their freedom. We know not what Count Capo d' Istria, a native of Corfu, and one of the emperor of Russia's ministers, may think of this; or how the suggestion might sound to Ugo Foscolo, one of the first poets and scholars of the age, a native of Zante. But granting the unfitness of the Greeks of the Ionian islands for independence, (a slippery reason at least for not allowing them to make the trial of it,) every one knows that precisely these islands are the worst part of Greece. Their position as a frontier between Greece and Italy, and the detestable corruption of the Venetian government, under which they were so long held, may have unfitted them for independence. It is quite uncertain whether the islands of Guernsey, Jersey, Sark, Alderney, and the Isle of Man, if constituted into a separate state, inde-

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pendent of England, would prosper much in governing themselves. We know of no rules of political chemistry, by which the islands on the borders of a country can be selected as a test, and the capacity or incapacity of a people argued from that of the islands. Whether Greece, in its wide sense, consisting of all those parts, continental and insular, where the great majority of the people are Greeks, be prepared for independence, is a question wholly distinct from the character of the Ionian islands. If there be any correctness in what we have alleged in the commencement of these remarks, with regard to the present state of Greece, no doubt can remain on this point.

At any rate the Greeks, themselves, feel no doubt. They have taken the liberty, as we did in 1776, of declaring themselves free; they have raised armies and navies; they have defeated the Turks in several engagements, both at sea and on land; they have taken some of the most important fortresses, particularly Napoli di Romania, by its position and strength the most important of all; they have organized a system of government, which, though far from being faultless, is upon the whole a judicious system; and finally they have made such progress in the war, that a writer in the last number of the Quarterly Review, a journal not friendly to insurrection against masters, civilized or barbarous, has ventured to say, 'that it now appears extremely probable (we might indeed, we believe, use a still stronger expression) the Greeks will be able to establish their independence.'

As we do not remember to have seen the provisional constitution of the Greeks given at length in any of our journals or newspapers, and as it is a document of very considerable interest, we subjoin a translation of it, as we find it in French, in the *Courrier des Pays Bas* of the 11th and 12th of May, 1822, published at Brussels. The original Greek, with French and English translations, and preliminary historical notices, has been published both at Paris and London, but it has not been in our power to procure a copy of either of these works.

Provisional Constitution, published at Epidaurus, January 12, 1822.

CHAPTER I.—*Of Religion.*

ART. 1. The religion of the state is the orthodox religion of the Eastern [Greek] Church. At the same time all religions are tolerated, and their ceremonies permitted to be freely exercised.

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CHAPTER II.—*Public Law of the Greeks.*

ART. 2. All natives of Greece professing the christian religion, are Greeks, and enjoy all political rights.

ART. 3. The Greeks are equal in the eye of the law, without distinction of rank or dignity.

ART. 4. Every stranger established or residing in Greece enjoys the same civil rights as the Greeks.

ART. 5. A law on naturalization shall immediately be published by the government.

ART. 6. All Greeks are eligible to any office—merit only determines the preference.

ART. 7. The property, honor, and security of every citizen, are placed under the safeguard of the law.

ART. 8. Contributions for the expenses of the state are to be apportioned according to the fortune of each person. No impost shall be established but by virtue of a law.

CHAPTER III.—*Form of Government.*

ART. 9. The Government is composed of two bodies; the Legislative Senate, and the Executive Council.

ART. 10. The two bodies must concur in the enactment of laws. Either may negative a law proposed by the other.

ART. 11. The legislative Senate is composed of members elected by the different provinces.

ART. 12. The number of Senators is to be determined by the law of elections.

ART. 13. The law of elections, which shall be published by the government, must require that the representatives shall be Greeks, and that they be thirty years of age.

ART. 14. The deputies of all the free provinces and islands of Greece, are admitted as soon as their powers are acknowledged valid by the Senate.

ART. 15. The Senate appoints its President and Vice-President annually, by a majority of votes, and

ART. 16. At the same time a First and Second Secretary, and Under-Secretaries.

ART. 17. The Senate is renewed every year.

ART. 18. The Executive Council is composed of five members, chosen from the Senate, and according to rules established by a special law concerning the formation of the Council.

ART. 19. The Council appoints annually its President and Vice-President, by a majority of votes.

ART. 20. It appoints eight Ministers, namely, an Arch-Chancellor of State, entrusted with foreign relations; Ministers of the

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interior, of the finances, of justice, of war, of the marine, of worship, and of the police.

ART. 21. It appoints also to all the offices of the government.

ART. 22. The functions of the Senate continue but for a year.

CHAPTER IV.—*Of the Legislative Senate.*

Section 1.—*The Legislative Power of the Senate.*

ART. 23. Considering the urgent occasions of the State, the Legislative Senate continues its functions this year without interruption.

ART. 24. The President fixes the time of opening and determines the duration of the session.

ART. 25. In case of need, he may convoke an extraordinary meeting of the Senate.

ART. 26. In case of the absence of the President, the Vice-President shall perform his duties.

ART. 27. Two thirds of the members form a quorum of the Senate.

ART. 28. The decisions of the Senate are made by a majority of voices.

ART. 29. If equally divided, the President has a casting vote.

ART. 30. All the acts of the Senate are signed by the President and countersigned by the First Secretary.

ART. 31. The President transmits the doings of the Senate to the Council for their approbation.

ART. 32. If the council refuse its sanction, or propose amendments, the bill is returned to the Senate, with the grounds of refusal or the amendments proposed, to be discussed anew; after which, it is sent back to the council, to be definitively rejected or adopted.

ART. 33. The Senate receives and examines all petitions which are addressed to it, on whatever subject.

ART. 34. Every three months the Senate appoints as many committees as there are departments in the ministry.

ART. 35. One of these committees, according to the designation of the President, is attached to each branch of the public service, to propose laws relative to that branch.

ART. 36. Every member of the Senate may bring in a written project of a law, which the President refers to the proper committee.

ART. 37. The Senate receives the projects of law transmitted to it by the Executive Council, and approves, modifies, or rejects them.

ART. 38. Every declaration of war, and every treaty of peace, shall be submitted to the approbation of the Senate; and in general no treaty, which the Executive council shall make with a

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foreign power, whatever be the subject, shall be binding, till approved by the Senate.

Truces and armistices of a few days duration, are not included in this provision.

Art. 39. At the beginning of each year, the Council submits to the approbation of the Senate an estimate of the expenses of the year, and of the means of meeting them. At the end of every year, also, it submits to the Senate an exact statement of receipts and expenditures.

Nevertheless, as circumstances render it impossible to prepare such a statement for the first year, the council shall supply the requisitions of the war and the other departments of the service, and submit to the Senate, at the end of the year, an exact account of receipts and expenditures.

Art. 40. The Senate approves or rejects the nominations to advanced military rank made by the Council.

Art. 41. It approves or rejects also the propositions made by the Council for the reward of distinguished civil and military services.

Art. 42. The Senate shall regulate the new monetary system, and the Council shall cause the coinage to be struck, in the name of the nation.

Art. 43. The Senate is expressly forbidden to approve any treaty, which is inconsistent with the political independence of the nation; and if it should come to its knowledge, that the Council has engaged in any criminal negotiation of this kind, it shall impeach the President thereof, and if found guilty, discharge him from his functions.

Art. 44. Journalists shall be permitted to attend all the meetings of the Senate, except those of the secret committees, which may take place whenever five members require it.

Section 2.—*Secretaries of the Senate.*

Art. 45. The First Secretary of the Senate, is charged with engrossing all the acts of this body, and with keeping an exact record of them.

Art. 46. He receives from the President the resolutions of the Senate, and transmits them to the council.

Art. 47. In the absence of the First Secretary the Second takes his place.

Section 3.—*Judicial Power of the Senate.*

Art. 48. If one or more of the members of the Senate be accused of political delinquency, a commission of seven members, named for this purpose by the Senate, will take cognizance of the accusation, and make report of it in writing. If the commis-

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sion judge the accusation to be sustained, the Senate shall take up the affair. If the accused be condemned by a majority of two thirds of the voices, he shall be declared to have forfeited his dignity, and shall be remanded to the supreme court of Greece, to be judged as a simple citizen.

Art. 49. No Senator can be arrested, till after having been found guilty of an offence or of a crime.

Art. 50. When a member of the Executive Council shall be accused of a political offence or crime, the Senate shall appoint from its number a commission composed of nine members, who shall report conformably to the 48th article. If this commission sustain the accusation, and if the Senate, which in this case remains in possession of the affair, condemn the accused by a majority of four fifths of the voices, the President shall declare the accused to have forfeited his seat in the Council, and shall remand him to the supreme court of Greece as in article 48.

Art. 51. If a minister be accused of any offence or crime, he shall be judged according to the provisions of article 48.

CHAPTER V.—*Of the Executive Council.*

Section 1.—*Power of the Executive Council.*

Art. 52. The Executive Council, as a body, is inviolable.

Art. 53. If the entire body of the Council should become chargeable with a political offence or crime, the President shall be judged and punished, according to the 43d article; and after the nomination of a new President, the other members shall be separately proceeded against, according to the provisions of article 50.

Art. 54. The Council sees that the Ministers put the laws in force.

Art. 55. It sanctions or rejects the projects of law adopted by the Legislative Senate.

Art. 56. It proposes projects of law to the Senate for discussion. The Ministers have a right to be present at this discussion; and the Minister of the department, to which the subject of the law proposed belongs, shall always attend the discussion.

Art. 57. All acts and decrees of the Council are signed by the President, countersigned by the First Secretary, and sealed with the seal of state.

Art. 58. The Council disposes of the public forces by sea and land.

Art. 59. It shall have power to publish such instructions as it shall think proper, and to cause the laws, which concern the public order, to be enforced.

Art. 60. It shall have power, also, to take measures necessary

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to the public tranquillity, in all the matters of police, provided it make report thereof to the senate.

Art. 61. It shall have power, with the consent of the senate, to make wars as well at home as abroad, and to pledge the public domains, for their payment.

Art. 62. It shall have power in like manner, with the consent of the senate, to alienate portions of the said public domains.

Art. 63. It shall appoint the ministers, and fix their powers.

Art. 64. The ministers are responsible for all the acts of their departments; consequently they cannot execute any act or decree contrary to the rights and duties proclaimed by the present act.

Art. 65. The council appoints all the agents of the government to foreign powers.

Art. 66. It must make report to the senate of its relations with foreign states and of the interior state of Greece.

Art. 67. It has the right of changing the ministers and all agents of whom it has the nomination.

Art. 68. In case of urgency, it may convoke an extraordinary session of the senate.

Art. 69. Whenever a crime of high treason shall have been committed, the council shall have the power to take such extraordinary measures as it shall judge necessary, whatever be the rank of the persons accused.

Art. 70. The council shall have power also, in this same case and if circumstances exact it, to make provisional nominations and promotions in military rank, which shall be submitted to the approbation of the senate, when tranquillity shall be restored.

Art. 71. In this case the council shall present to the senate, within two days, an exact and written report of the motives which have reduced it to the necessity of taking these extraordinary measures.

Art. 72. As it disposes of the forces by land and sea, the council shall have power in time of war to take extraordinary measures to provide quarters, provisions, clothing, and munitions, and every thing necessary to armaments by sea or land.

Art. 73. It shall present to the senate the project of a law with respect to the decorations to be given in recompense of services rendered to the country.

Art. 74. It is the duty of the executive council to keep up relations with foreign powers, and to undertake and pursue every species of negociation. But declarations of war and treaties of peace or others must be subjected to the approbation of the senate.

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Art. 75. Nevertheless it can make all conventions of truce, of short duration, conformably to the 38th article, to be reported to the senate.

Art. 76. At the beginning of every year, it shall present to the senate an estimate, and at the end of every year an exact and detailed account of the revenues and expenses of the current year. These two accounts are prepared by the minister of finance, and accompanied by all the vouchers. Nevertheless, for this year, the accounts will be made up, as is provided in the 39th article.

Art. 77. The resolutions of the council are made by the majority of the voices.

Art. 78. In no case, and under no pretext, shall the council have power to enter into any negociation, nor to conclude any treaty, inconsistent with the political independence of the nation. In case of such a crime, the president of the council is proceeded against, displaced, and punished, as is provided in the 53d article.

Art. 79. The council shall propose a project of law, with respect to the uniform of the troops by sea and land.

Art. 80. It shall present another project of a law to regulate the pay of the troops by sea and by land, and to fix the salaries of all the officers of the government.

Section 2.—*Mode of Procedure against the Members of the Council.*

Art. 81. As soon as the accusation of a political offence, brought against a member of the council, has been admitted by the senate, the accused is deprived of his functions; the trial and judgment are conducted, as is provided in the 50th article.

Art. 82. No members of the council can be arrested, but in virtue of a condemnation; in case of the dismissal or absence of a counsellor, if the voices are divided in the deliberation, the voice of the president determines the majority.

Art. 83. An accusation against one or more ministers, admitted by the senate, involves their dismissal; and they shall be brought to trial conformably to the 51st article.

Art. 84. In case of crimes of high treason, the council shall have power to form, at the seat of government, a central and extraordinary commission, charged to take cognizance of those crimes, till the formation of the supreme tribunal of Greece.

CHAPTER VI.—*Of the Judiciary.*

Art. 85. The judiciary power is independent of the legislative and executive powers.

Art. 86. It is composed of eleven members elected by the Government, and who choose their president.

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ART. 87. A law on the organization of the courts shall be published without delay.

ART. 88. This law shall fix the extent of their jurisdiction, and the general forms of procedure which are to be followed, in the conduct of trials.

ART. 89. This law shall be founded on the five following principles.

1st. A supreme tribunal shall be formed and established in the capital. This tribunal shall take cognizance, without appeal, of crimes of high treason and of offences against the safety of the state.

2d. Several tribunals shall be established in the capitals of the provincial governments. There shall be an appeal from the judgments of these tribunals to the supreme tribunal.

3d. There shall be established an inferior tribunal in every department. There shall be an appeal from their judgments to the general tribunal of the provincial capital. Inferior tribunals cannot take cognizance of political offences.

4th. There shall be established in every parish or village a justice of the peace, who shall take cognizance of every affair not exceeding the sum of a hundred piastres, and of all family differences.

5th. The justices of the peace can be accused before the tribunals of the department; those of the department before the tribunals of the capital; and those of the capital before the supreme tribunal.

ART. 90. The executive council is directed to form a commission composed of men distinguished alike by their understandings and their virtues, which commission shall be charged with the compilation of the laws that are to form the codes, civil, criminal, commercial, &c. These laws shall be submitted to the discussion and to the approbation of the senate and council.

ART. 91. Till the publication of these laws, judgment shall be rendered according to the laws of our ancestors, promulgated by the Greek Emperors of Byzantium, and according to the laws published by the present government. As to commercial affairs, the French code of commerce shall have the force of law in Greece.

ART. 92. The torture is abolished.

Confiscation is in like manner abolished for all citizens.

ART. 93. After the entire organization of the judiciary, no person can be arrested without the special order of the competent tribunal, except *in flagrante delicto.*

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CHAPTER VII.—*Supplementary Articles.*

ART. 94. The provincial governments, established before the convocation of the national congress, are subjected to the authority of the supreme government.

ART. 95. Corinth is declared the seat of the provisional government. In case of a change made necessary by particular circumstances, this change is decided by the senate and council.

ART. 96. The seal of the state bears for an emblem Minerva ornamented with the symbols of wisdom.

ART. 97. The national colors, as well for the standards by land as for the flags by sea, are white and blue.

ART. 98. The arrangement of the colors in the formation of the standards and of the flags shall be determined by the council.

ART. 99. The government will take all measures for making a provision for the widows and orphans of the citizens who have died for their country.

ART. 100. It will also bestow honors and rewards on all brilliant actions, and on all distinguished services rendered to the country.

ART. 101. At the end of the war, it will likewise grant rewards to those, who shall have contributed to the regeneration of Greece by pecuniary sacrifices, and grant recompences to those whose generous efforts for this noble object may have reduced them to misfortune.

ART. 102. The present constitution shall be printed and distributed throughout Greece. The original shall be deposited in the archives of the legislative senate.

Given at Epidaurus the 1st (13th) of January, 1822, in the first year of Independence.

Such is the constitution which has been established in Greece. It immediately went into operation by the choice of Prince Mavrocordato as President, and Prince Mavromichalis, whom we shall again have occasion to mention, as Vice-President of the executive council. The present year the latter distinguished individual has been raised to the presidency of the council, and the seat of government has been fixed at Tripolizza, the residence under the Turks of the Pacha of the Morea. That the change in the person of the president of the conncil has not been the consequence of any dissension, is apparent from the honorable manner in which the venerable Mavromichalis is mentioned, in the circular letter of Prince Mavrocordato, his predecessor, addressed to the Philellenic Societies of Germany and Switzerland. The same letter, be-

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ing of the date of April 22, 1823, gives an encouraging view of the state of things in Greece, and shows the independent government of that country to be in a state of entire organization. In this state of things, and in consideration of the circumstances mentioned above, what course of conduct ought to be pursued by the nations of the earth? On this question we beg leave to add a few words. We have already expressed our opinions, as to what we think an enlightened policy demands of the states of Europe. We will not enlarge upon this part of the subject; though we cannot but think that a more general opinion never existed in the civilized world, than that the Greeks ought to be aided in this conflict. Such a measure would do not a little toward reconciling the minds of men to the unprincipled policy, which has been pursued towards Naples and Spain; and it is not yet perhaps too late, by a work of imperial magnanimity towards Greece, to purchase the world's forgiveness of the partition of Poland. As to our own country, we think, the course our government should adopt, sufficiently indicated by its own conduct towards South America. If more accurate information of the state of Greece is wanted, let the president do as he did in 1817, when he dispatched a public vessel with a respectable commission to enquire into the progress of the revolution in that country. We have always a fleet in the Mediterranean; let a similar commission be directed to repair to it, and on board of one of its vessels visit the principal ports of Greece, ascertain the progress of the war, and the degree of organization of the government. Should they report, as they must, for they are well known facts, the circumstances which we have enumerated, then let the independence of Greece be acknowledged by the United States, and a minister sent to their government.

Such a measure will be peculiarly in character for this country. The case is far clearer than that, to say the least, of Mexico; and we have no treaties with the Turk to impose restraint upon us. America has already been called on by the Greeks to adopt such a course. More than two years have elapsed since a proclamation of the senate of Calamata signed by its president, the same individual who has since been elected chief of the Grecian confederacy, addressed to the American nation, was enclosed to the editor of this journal,

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accompanied by a private letter to him.* The proclamation and the letter were both in the handwriting of Dr Coray, the former being a copy from the original published at Calamata, and the latter subscribed by a venerable individual, P. Epites, who had been sent, at that time, to Paris, to endeavor to awaken a sympathy in civilized nations in the affairs of Greece, and by three other respectable Greeks, among whom is Dr Coray. A translation of this proclamation was published in the newspapers of the day. But we have thought it would not be improper to insert it again, in this connection, with the original, which has never before been published.

(Αντίγραφον.)

Ανδρες τῆς Ἀμερικανῆς Συμπολιτείας!

Ἀποφασίζοντες νὰ ζήσωμεν ἢ ν' ἀποθάνωμεν διὰ τὴν ἐλευθερίαν, συρόμεθα πρὸς ἐσᾶς ἀπὸ δικαίαν συμπάθειαν· διότι εἰς τὸν τόπον σας ἐδιάλεξε νὰ κατοικῇ ἡ ἐλευθερία, ἀπὸ μόνους ἐσᾶς λατρευομένη καθὼς ἐλατρεύετο ἀπὸ τοὺς πατέρας μας. Ὅθεν ἐπικαλού-

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* The interesting nature of the subject has induced us to subjoin the letter referred to.

Κύριε Ἐθερέττε!

Ὡς πολίτην ἐλευθέρου πολιτείας καὶ φιλελεύθερον, ὡς ἑλληνιστὴν σοφὸν καὶ φιλέλληνα, σὲ γράφομεν παρακαλοῦντές σε νὰ ἐκδώσῃς τὴν πρὸς τοὺς συμπολίτας σου πρόσκλησιν τῶν Ἑλλήνων. Δὲν ἀμφιβάλλομεν ὅτι ἡ εὐγενής σου ψυχὴ, μὴ ἀρκουμένη εἰς τοῦτο, θέλει φιλοτιμηθῆ νὰ μεταδώσῃ εἰς ὅλην τὴν Ἀμερικανὴν συμπολιτείαν τὸν ζῆλον ὑπὲρ τοῦ Ἑλληνικοῦ γένους ζῆλον, ἀπὸ τὸν ὁποῖον φλέγεται. Ἀπὸ τὸν νέον κόσμον προσμένει ἡ ἀνθρωπότης τὴν ἀνακαίνεσίν της· πλὴν ἂν εἰς ἄλλους ἀρκῇ τὸ παράδειγμά σας, εἰς ἡμᾶς καὶ ἡ συνέργειά σας εἶναι κατὰ τὸ παρὸν ἀναγκαία. Ὦ πόσον ἔνδοξον θέλει εἶσθαι εἰς τὴν πατρίδα σου νὰ συνδράμῃ εἰς ἐλευθέρωσιν τῶν Ἑλλήνων, ἐν ᾧ αἱ ἄλλαι δυνάμεις μένουν ἀναίσθητοι εἰς τὴν φωνὴν τῆς δικαιοσύνης, τῆς θρησκείας καὶ φιλανθρωπίας! Μόνον ἡ ἐκ τοῦ τοιούτου ἔργου δόξα ἤθελεν ἐξαρκέσει εἰς ἀνταμοιβήν της· ἀλλ' οἱ Ἕλληνες ποτὲ δὲν ἐφάνησαν ἀχάριστοι, καὶ ποτὲ δὲν ἔστερξαν νὰ μείνωσι κατώτεροι κατὰ τὴν γενναιότητα. Καθὼς ἄλλοτε ἐστεφάνωσαν τὰς φιλίους πόλεις μὲ χρυσοῦς στεφάνους, καὶ ἐτίμησαν μὲ προεδρίας εἰς τὰς συνελεύσεις καὶ τοὺς ἀγῶνας, οὕτω πάλιν θέλουν τιμᾷ καὶ στεφανόνει τοὺς φίλους αὐτῶν καὶ συμμάχους.

Εἴθε, ὦ σοφὲ ἄνερ, ν' ἀξιωθῇ ἡ Ἑλλὰς νὰ σὲ ἀπολαύσῃ πάλιν ὄχι δακρύοντα ἀπὸ λύπην διὰ τὴν πτῶσίν της, ἀλλὰ φαιδρὸν καὶ περιχαρῆ διὰ τὴν ἀνάστασιν αὐτῆς καὶ εὐδαιμονίαν.

Ἐν Παρισίοις, κζ' Ἰουλίου, ͵αωκά.

Π. Ἠπίτης,
ἀποσταλμένος τῶν
Ἑλλήνων στρατηγῶν.

Α. Κοραῆς.
Α. Βογορίδης.
Ν. Πίκκολος.

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μενοι τὸ ὄνομα αὐτῆς ἐπικαλούμεθα ἐν ταὐτῷ τὸ ἰδικόν σας, πεποιθότες ὅτι μιμούμενοι ἐσᾶς θέλομεν μιμηθῆ τοὺς προγόνους μας, καὶ δειχθῆ ἄξιοι ἐκείνων, ἂν φθάσωμεν νὰ σᾶς ὁμοιάσωμεν.

Αἱ ἀρεταί σας, ὦ 'Αμερικανοὶ! μᾶς προσεγγίζουν εἰς ἐσᾶς, μ' ὅλον ὅτι μᾶς χωρίζουν εὐρύταται θάλασσαι. 'Ημεῖς σᾶς νομίζομεν πλησιεστέρους παρὰ τὰ γειτονεύοντα μὲ ἡμᾶς ἔθνη, καὶ σᾶς ἔχομεν φίλους καὶ συμπολίτας καὶ ἀδελφούς, διότι εἶσθε δίκαιοι, φιλάνθρωποι καὶ γενναῖοι. Δίκαιοι, ὅτι καὶ ἐλεύθεροι· φιλάνθρωποι καὶ γενναῖοι, ὅτι πολιτεύεσθε κατὰ τὸ εὐαγγέλιον. Ἡ ἐλευθερία σας δὲν ἐπιστηρίζεται εἰς ἄλλων ἐθνῶν δουλείαν, οὔτε ἡ εὐδαιμονία σας εἰς ξένας συμφορὰς καὶ ταλαιπωρίας· ἀλλ' ἐξ ἐναντίας, ἐλευθέρως καὶ εὐτυχῶς ζῶντες ἐπιθυμεῖτε νὰ μετέχωσιν ὅλοι οἱ ἄνθρωποι ἀπὸ τὰ αὐτὰ ἀγαθὰ, καὶ ν' ἀπολαύωσιν ὅσα δικαιώματα ἡ φύσις εἰς ὅλους ἐξίσου ἐμοίρασεν. 'Εσεῖς πρῶτοι ἐκηρύξατε τὰ δικαιώματα ταῦτα, καὶ πάλιν πρῶτοι ἐσεῖς τὰ ἐσεβάσθητε, ἀποδίδοντες εἰς τοὺς ἀποκτηνωμένους 'Αφρικανοὺς ἀνθρώπινον ἀξίωμα. Κατὰ τὸ παράδειγμά σας κατέλυσεν ἡ Εὐρώπη τὴν αἰσχρὰν ἐκείνην καὶ ἀπάνθρωπον σωματεμπορίαν, καὶ ἀπὸ ἐσᾶς ἀκόμη διδάσκεται δικαιοσύνην, καὶ μανθάνει νὰ καθαιρῇ ἀτόπους ἢ θανατηφόρους συνηθείας. Ἡ δόξα αὕτη, 'Αμερικανοὶ! εἰς μόνους ἐσᾶς ἀνήκει, καὶ σᾶς ἀνυψόνει ὑπεράνω ὅλων τῶν φημισθέντων διὰ τῆς εὐνομίας καὶ ἐλευθερίας ἐθνῶν.

Ὑμέτερον εἶναι, ὦ ἄνδρες! νὰ ἐπιθέσετε τὸν κολοφῶνα εἰς τὴν δόξαν σας, βοηθοῦντές μας νὰ καθαρίσωμεν τὴν Ἑλλάδα ἀπὸ τοὺς μολύνοντας αὐτὴν ἐκ τετρακοσίων ἐτῶν βαρβάρους. Ἄξιον ὑμῶν ἀναντιῤῥήτως εἶναι νὰ πληρώσετε τῶν πολιτισμένων λαῶν τὸ χρέος, νὰ διώξετε τὴν ἀμάθειαν καὶ τυραννίαν ἀπὸ τὴν πατρίδα τῶν τεχνῶν καὶ τῆς ἐλευθερίας. Δὲν θέλετε μιμηθῆ βέβαια τὴν ἀξιοκατάκριτον ἀδιαφορίαν, ἢ μᾶλλον πολυχρόνιον ἀχαριστίαν τινῶν Εὐρωπαίων. Ὄχι, ὁ λαὸς τοῦ Γουλιέλμου Πέννου, τοῦ Βασίχθονος καὶ τοῦ Φραγκλίνου δὲν θέλει ἀρνηθῆ βοήθειαν εἰς τοὺς ἀπογόνους τοῦ Φωκίωνος, τοῦ Θρασυβούλου, τοῦ Ἀράτου, τοῦ Φιλοποίμενος. Ἐσεῖς ἐδείξατε ἤδη πρὸς αὐτοὺς τιμὴν κ' ἐμπιστοσύνην, πέμποντες τὰ τέκνα σας εἰς τὰ σχολεῖα των. Ἠξεύρετε μὲ ὁποίαν ἀγαλλίασιν τὰ ὑπεδέχθησαν, καὶ τὴν σταθερὰν πρὸς αὐτὰ εὔνοιαν ἐκείνων περιποίησιν. Ἀλλ' ἂν οὕτως ἔπραξαν δεδουλωμένοι, μὲ πόσην φιλίαν καὶ ζῆλον θέλουν φέρεσθαι πρὸς ἐσᾶς, ὅταν διὰ τῆς συνεργείας σας συντρίψωσι τὰς ἁλύσεις των; Ἡ Ἑλλὰς τότε θέλει σᾶς δίδει κέρδη, τὰ ὁποῖα μάτην ἠθέλετε προσμένει ἀπὸ τυφλοὺς καὶ ἀγρίους δεσπότας. Οἱ δεσμοὶ τῆς ἀδελφότητος καὶ τῆς εὐγνωμοσύνης θέλουν ἑνόνει διὰ παντὸς τοὺς Ἕλληνας μὲ τοὺς 'Αμερικανούς. Τὰ συμφέροντα ἡμῶν εἶναι τοιαῦτα, ὥστε νὰ δυναμόνουν πάντοτε τὴν πρὸς ἀλλήλους συμμαχίαν, θεμελιωμένην εἰς τὴν ἐλευθερίαν καὶ τὴν ἀρετήν.

Ἐν Καλαμάτᾳ, 25 Μαΐου, 1821.

Ὑπογεγρ: Ἡ Μεσσηνιακὴ σύγκλητος ἡ ἐν Καλαμάτᾳ.
Πέτρος Μαυρομιχάλης, ἀρχιστράτηγος.

Translation.

To the citizens of the United States of America.—Having formed the resolution to live or die for freedom, we are drawn toward you by a just sympathy; since it is in your land that Liberty has fixed her abode, and by you that she is prized as by our fathers. Hence, in invoking her name, we invoke yours at the same time, trusting that in imitating you, we shall imitate our ancestors, and be thought worthy of them if we succeed in resembling you.

Though separated from you by mighty oceans, your character brings you near us. We esteem you nearer than the nations on our frontiers; and we possess, in you, friends, fellow-citizens, and

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brethren, because you are just, humane and generous;—just because free, generous and liberal because christian. Your liberty is not propped on the slavery of other nations, nor your prosperity on their calamities and sufferings. But, on the contrary, free and prosperous yourselves, you are desirous that all men should share the same blessings; that all should enjoy those rights, to which all are by nature equally entitled. It is you, who first proclaimed these rights; it is you who have been the first again to recognise them, in rendering the rank of men to the Africans degraded to the level of brutes. It is by your example, that Europe has abolished the shameful and cruel trade in human flesh, from you that she receives lessons of justice, and learns to renounce her absurd and sanguinary customs. This glory, Americans is yours alone, and raises you above all the nations which have gained a name for liberty and laws.

It is for you, citizens of America, to crown this glory, in aiding us to purge Greece from the barbarians, who for four hundred years have polluted the soil. It is surely worthy of you to repay the obligations of the civilized nations, and to banish ignorance and barbarism from the country of freedom and the arts. You will not assuredly imitate the culpable indifference or rather the long ingratitude of some of the Europeans. No, the fellow-citizens of Penn, of Washington, and of Franklin, will not refuse their aid to the descendants of Phocion, and Thrasybulus, of Aratus, and of Philopœmen. You have already shown them esteem and confidence in sending your children to their schools. You know with what pleasure they were welcomed, and the steady kindness and attentions which they received. If such has been their conduct when enslaved; what friendship and zeal will they not manifest to you, when through your aid they shall have broken their chains. Greece will then furnish you advantages, which you can in vain seek from her ignorant and cruel tyrants; and the bands of gratitude and fraternity will forever unite the Greeks and the Americans. Our interests are of a nature more and more to cement an alliance founded on freedom and virtue.

At Kalamata, May 25, 1821.

Signed, The Messenian Senate at
Calamata.
Peter Mavromichalis, commander in chief.

Our readers will observe that this proclamation is the act of the Senate of Calamata, one of those local assemblies which were organized in Greece, at the commencement of the present struggle, and before the establishment of the general government. Calamata is in that part of the Peloponessus which is

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inhabited by the Mainotes, and till the late revolution was governed by princes of its own, under a merely nominal subjection to the Porte. Peter Mavromichalis (Black Michael) president of this local senate is one of the most distinguished individuals of Greece, and has long, as Bey of Maina, been the ruler of his countrymen, the Mainotes. His age, his integrity, his wealth and public spirit, have given him the greatest influence in the new government of Greece, and as we have already had occasion to mention, he is now the president of the executive council. Though we do not consider the foregoing address to be in very good taste, nor in every part perfectly intelligible, it shows at least how soon and how spontaneously the eyes of Greece were turned to this country as the great exemplar of states in the agonies of contest for independence. Such an appeal from the anxious conclave of self-devoted patriots, in the inaccessible cliffs of the Morea, must bring home to the mind of the least reflecting American, the great and glorious part, which this country is to act, in the political regeneration of the world. It must convince us that what Burke originally said in eulogy of his own land, is going into its literal fulfilment here; and in a wider sense than he dared to speak it. Wheresoever the chosen race, the sons of liberty, shall worship freedom, they will turn their faces to us.—We have seen, in our own days, the oldest and most splendid monarchy in Europe, casting off its yoke, under the contagion of liberty caught from us; and why should the excesses of that awful crisis be ascribed to the new found remedy rather than to the inveterate disease? Through France, the influence of our example has been transmitted to the other European states, and in the most enslaved and corrupted of them, the leaven of freedom is at work. Meantime, at one and the same moment, we perceive in either hemisphere the glorious work of emancipation going on; and the name and the example of the United States alike invoked by both. From the earliest abodes of European civilization, the venerated plains of Greece, and from the scarcely explored range of the Cordilleras, a voice of salutation and a cry for sympathy are resounding in our ears. While the great states of Europe, which for centuries have taken the lead in the affairs of the world, stand aghast at this spectacle, and know not if they shall dare to sanction what they cannot oppose, our envoys

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have already climbed the Andes and reached the Pacific, with the message of gratulation. We devoutly trust that another season will find them on their way to Greece. The recognition of South American Independence, in many respects of national policy a dubious measure, was adopted with the cheering unanimity of old revolutionary times; and the man who was not in his seat in Congress that day, felt that he had done himself and his constituents a wrong, in losing the opportun ty to record his voice among those of his brethren. Not less popular, we venture to say, would be the recognition of the Independence of Greece. We feel none of the scruples, which perplex the cabinets of Europe. We see nothing but an enterprising, intelligent, christian population struggling against a ghastly despotism, that has so long oppressed and wasted the land; and if an animating word of ours could cheer them in the hard conflict, we should feel that not to speak it, were to partake the guilt of their oppressors.

Meantime there is something for the people of this country in their private capacity, to do for Greece. In Germany, and in France, large numbers of enthusiastic young men have devoted themselves personally to the cause, and flocked to Greece, as the same class of generous spirits did to this country, in the revolutionary war. Considerable sums of money have also been raised in those countries, and supplies of arms and ammunition sent to the Grecian armies. In England a benevolent association has been formed under the presidency of Lord Milton, a nobleman of one of the wealthiest and most powerful British families; and this association has entered into a correspondence with the Grecian authorities. Local political dissensions have unfortunately mingled themselves with the counsels adopted in England for the relief of the Grecians. Still, however, large subscriptions have been made and forwarded to that country. We are sorry for the fact, that America did not set this example also. The experience of our own revolutionary war is so recent, that we ought to have felt, how precious would be any aid from a distant land, however insignificant in amount. Who does not know that there were times in our own revolutionary war, when a few barrels of gunpowder, the large guns of a privateer, a cargo of flour, a supply of clothing, yea, a few hundred pairs of shoes, for feet that left in blood the tracks of their march, would have

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done essential service to the cause of suffering liberty. We perceive that the writer of an article, already quoted, in the Quarterly Review, observes 'that £200,000 would hardly afford a week's relief to the numerous applicants, and if laid out in the purchase of military stores, might be lost in the course of a single siege or battle.'—True, and what may not be gained in a single siege or battle? The surprize of nine hundred Hessians, by Gen. Washington, traced in all its consequences upon the public feeling, at a time when despondency was curdling the blood of the people, did as much for the revolutionary cause, as could have been done by the most brilliant campaign, between well appointed armies. Besides, it is not merely the amount of physical aid, derived from foreign contributions, that serves the cause. There is an animation produced in these perilous struggles of a resolute few against a barbarous host, at feeling that their efforts are observed with sympathy by others; that they are not toiling and bleeding without an eye to witness or a heart to feel for them. We have no doubt in the world, that many small and gallant bands in the mountain passes of Greece; in the heights of Pindus, the narrow defiles in Parnassus, between Thessaly and Phocis, and at the isthmus of Corinth, who are holding out against all the difficulties of an ill appointed and scarcely organized force, would endure the longer and dare the more, and each in its sphere help on the struggle to a happy issue, could they cherish with them in their perilous holds, the hope that the prayers of the distant friends of liberty were offered up in their behalf, and that their contributions, however small, would not be withheld in an extreme hour. He does not know the human heart, that cannot do justice to these considerations.

America has done something for Greece. Our missionary societies have their envoys to the Grecian church, with supplies of bibles and religious tracts for their benighted flocks. But in the present state of this unhappy people, this is not the only succor they require. They are laying the foundations of civil freedom, without which even the blessings of the Gospel will be extended to them in vain; and while they are cementing with their blood this costly edifice, they are in the condition of the returning Jews, of whom 'every one with one of his hands wrought at the work, and with the other hand held a weapon.' We would respectfully suggest to the enlarged

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and pious minds of those, who direct the great work of missionary charity, that at this moment, the cause of the Grecian church, can in no way be so effectually served, as by contributions directed to the field of the great struggle. The war is emphatically a war of the crescent against the cross. The venerable patriarch of the Greek faith, torn from his altar and hanged at the portals of his church, gave the signal of the unholy outrages which were to waste his flock. And now wherever the armies of the Sultan prevail, the village churches are levelled with the dust or polluted with the abominations of mahometanism, and the religious houses of the Greeks, the oldest abodes of christianity in the world, are wasted with fire, and the sacred volume thrown out to be trampled under foot by barbarians. At this crisis the messenger of the gospel fraternity should come in other guise than the distributer of the word; and could the broad and deep current of religious bounty be turned into a channel to reach the seat of the principal distress, it is not going too far to say, that it might be the means of giving another independent country to the church of Christ; and do more to effect the banishment of the crescent to the deserts of Tartary, than all that has yet been achieved by the counsels of christendom.

The same considerations call upon our wealthy citizens to extend their aid to the citizens of a country possessed of more than one bond of community with ours. The common council of London have voted £1000 for the relief of the sufferers in Greece. Let Boston appropriate ten thousand dollars for the same object; New York, and Philadelphia, and Baltimore, and the cities of the South in proportion to their means, will heartily unite in the cause; and a sum of money may be transmitted to Greece, either directly or through the English committee, which will teach those who are now toiling and bleeding for freedom, that we prize the blessing too highly, not to aid them in attaining it. We have seen on the wharfs of Boston, the household utensils of brass and copper, gathered up from the desolate hearths of the butchered Sciotes, bought as old copper in Smyrna, and as such sent to this country. Does not this bring home to our minds a picture of distress to awaken our deepest sympathy? To see reduced to old copper in our stalls, the furniture of the firesides of men and christians, who have themselves wearied the Turkish scimetar

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in their slaughter, and whose wives and daughters have been sold into an accursed slavery, to the number of thirty thousand? We know not whether the sight of these humble wrecks of household existence be romantic enough for the sentimentalist; but we ask our readers by an effort of imagination, to make the case their own; to fancy an overwhelming force of barbarians, speaking another language, following a strange faith, let loose upon one of our largest cities, (for Scio, now a desert, had a population of 100,000), to put its men to the sword, and sell its matrons and virgins in the open market, into the most revolting and hopeless slavery. We would ask our readers but to conceive of a fate like this, as in reserve for one of the cities of our own country, and then say what claim the Greeks have on our sympathy.

In the few remarks, which we have taken the liberty to make on this occasion, we have not insisted on the topic of the glorious descent of the Greeks; of the duty of hastening to the succor of those whose fathers were the masters of the world, in the school of civilization. It is not because we are not sensible of the power of this appeal also; but because we think a much stronger appeal may be made. To take an interest in the fate of a people, whose ancestors fill so important a place in the history of the world and of the human mind, is certainly natural. The geographical names, which fill the accounts from Greece, excite an interest of themselves; and we feel a double eagerness to hear that the Turks have not only been beaten, but beaten out of the Acropolis of Athens; and that Odysseus is still successful on the sides of Œta. While, however, this kind of sympathy is perfectly natural, and nothing ought to be neglected, which helps the cause of a suffering people, we believe the Greeks have stronger and more imperious claims upon us, than any that grow out of these associations. We may differ as to the degree of respect, to which their ancestors are entitled. We may differ as to the degree, in which the modern Greeks are really the descendants of the ancient inhabitants of the soil; and more than one traveller thinks he has settled the question, whether the Turks have a right to hold the inhabitants of Greece in bondage, by maintaining that the Greeks are a mingled race, descended from the barbarians who in different ages have overrun the land. The allusion to antiquity, moreover, often borders on the ridic-

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ulous, and we entirely agree with Dr Coray, in condemning the name of *Areopagus*, as given to the judiciary of the new state. This revival of classical names, in an application totally different, was one of the practices in bad taste which prevailed in the French revolution, and though more excusable in Greece, is better avoided there. There is enough without these names to awaken our sympathy. They derive their power from book learning, they belong to scholars and to dilettanti; but there is that in the cause of the Greeks, which ought to speak to the heart of every freeman, in Europe and America. It is not merely the countrymen of Aristides, the fellow-citizens of Phocion, the descendants of Aratus, that are calling upon us. These glorious names are a dead letter to two thirds of the community of christendom. But it is christians bowed beneath the yoke of barbarous infidels; it is fathers and mothers condemned to see their children torn from them and doomed to the most cruel slavery; it is men like ourselves bereft of all the bounties which providence has lavished on their land, obliged to steal through life, as through the passes of a mountain before the blood-hounds of the pursuer.—No exhilarating prospect of public honor; no cheering hope of private success in life; no thrill at the name of country; no protection at the fireside; but all one blank of leaden, dreary despotism, which turns the very virtues and excellencies of character into a crime. It is the great curse of a despotism like that of the Turks, that it inverts the laws of conduct for its subjects, and connects suffering and death with those principles and actions, to which providence attaches the rewards of life in a healthy state of society. We are able to pity individuals among us, so unfortunately born and bred, as to be surrounded with corrupting examples, and taught to find occupation and pleasure in vice. What a spectacle do not the Greeks present in this connection, to the practical philanthropist! Are they zealous in the profession of their religion and in the observance of its rights, they jeopardize the continuance of the jealous and contemptuous toleration beneath which they live. Do they love and serve the land of their birth, they are guilty of treason against its barbarous master. Do they with industry and enterprize acquire wealth, it is necessary studiously to conceal it from unprincipled extortion, and to invest it in foreign countries. Do they found schools and make provision for education, they expose them-

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selves to exaction and their children to outrage, and are obliged to proceed with the greatest possible secrecy and circumspection. What a monstrous complication of calamity, to have the best, the worthiest, the purest designs and actions, loaded with all the consequences of vice and crime; to be deprived not only of all that makes life joyous, but to be punished for doing well, and to be forced to go privately about those good deeds, to which men, in other countries, are exhorted as to a source of praise and honor. These things ought to be considered; and a reprehensible apathy prevails as to their reality. If liberty, virtue, and religion, were not words on our lips, without a substance in our hearts, it would be hardly possible to pursue our little local interests with such jealousy; to be all on fire in one state, for fear Congress should claim the power of internal improvements, and up in arms in another against a change of the tariff, and carried away in all, with a controversy between rival candidates for an office, which all would administer in much the same way; if a narrow selfishness did not lie at the bottom of our conduct, we could not do all this, while men, christians as good as we, who have nerves to smart, minds to think, hearts to feel, like ourselves, are waging unaided, single-handed, at perilous odds, a war of extermination against tyrants, who deny them not only the blessings of liberty, but the mercies of slavery.

But we hope better things of our country. In the great Lancastrian school of the nations, liberty is the lesson, which we are appointed to teach. Masters we claim not, we wish not, to be, but the Monitors we are of this noble doctrine. It is taught in our settlement, taught in our revolution, taught in our government; and the nations of the world are resolved to learn. It may be written in sand and effaced, but it will be written again and again, till hands now fettered in slavery shall boldly and fairly trace it, and lips, that now stammer at the noble word, shall sound it out in the ears of their despots, with an emphasis to waken the dead. Some will comprehend it and practice it at the first; others must wrestle long with the old slavish doctrines; and others may abuse it to excess, and cause it to be blasphemed awhile in the world. But it will still be taught and still be repeated, and must be learned by all; by old and degenerate communities to revive their youth; by springing colonies to hasten their progress. With the ex-

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ample before them of a free representative government—of a people governed by themselves,—it is no more possible that the nations will long bear any other, than that they should voluntarily dispense with the art of printing or the mariner's compass. It is therefore plainly no age for Turks to be stirring. It is as much as men can do, to put up with christian, with civilized, yea, with legitimate masters. The Grand Seignior is a half-century too late in the world. It requires all people's patience to be oppressed and ground to the dust, by the parental sway of most faithful, most catholic, most christian princes. Fatigued as they are with the Holy Alliance, it were preposterous to suppose they can long submit to a horde of Tartarian infidels. The idea that the most honorable, the most responsible, the most powerful office in the state, can, like a vile heirloom, follow the chance of descent, is quite enough to task the forbearance of this bold and busy time. What then shall become of viziers and sultans, when ministers are bewildered in their cabinets, and kings are shaken on their thrones? Instead of arming their misbelieving hosts against a people, who have taken hold of liberty, and who will be free, let them rejoice that great and little Bucharia are still vacant, and take up their march for the desert.

ART. XXI.—*Considérations sur l'Industrie et la Législation sous le Rapport de leur Influence sur la Richesse des Etats, et Examen critique des Principaux Ouvrages, qui ont paru sur l' Economie Politique, par Louis Say, de Nantes.* Paris, 1822. 8vo.

Mr LOUIS SAY, the author of this treatise, is the brother of Mr J. B. Say, whose book on political economy, is generally regarded as the most valuable elementary work on that subject. Mr Louis Say has already published a work entitled 'Principal causes of the wealth of nations and individuals,' which we have not had the good fortune to see, and which in the course of the treatise now before us, he defends against some objections on the part of his brother J. B. Say. Mr Louis Say, at the close of his introduction, modestly claims

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indulgence for his work, 'as not being the production of a man of letters, but of a merchant resident in a sea port, which,' adds he, 'will not in the eyes of many persons be any objection to the work.' It is certainly none in ours. Nothing is more interesting to those, who pursue the study of political economy, than to compare the statement of intelligent merchants, manufacturers, and farmers, with the principles of the science. Nay, more, it is on an accurate and extensive acquaintance with the facts, which it is the business of the merchant, manufacturer, and farmer to observe, that we must depend for the solidity of the theories on the production, distribution, and consumption of national wealth. Besides the interest which naturally attaches to the writings of practical men, on the subjects with which they are respectively conversant in political economy, there have been several examples of individuals, particularly of the mercantile profession, who have acquired reputation as writers on the science in general. The larger number, however, of approved writers on political economy have not been men actually engaged in either of the great pursuits; and it may well be doubted whether either of them is remarkably favorable to the formation of a political economist. It is scarcely possible that the merchant, the manufacturer, and the farmer, should not be respectively not only acquainted almost exclusively with the details of his own pursuit, but more or less biassed in favor of the system, in which that pursuit plays the first part. There is nothing in political economy itself, which requires a practical man, in the common acceptation of the term. If there were, it is plain that the science could not exist, for no such individual could be found on earth. There are practical merchants, and practical farmers, and practical manufacturers; but we presume there are no persons in society who are all three at once, to any considerable degree. It must not, therefore, be demanded of the political economist, that he be practically concerned in all the great forms of acquiring, accumulating, and consuming wealth. The very fact that the political economist must be equally versed in all these pursuits, proves that he cannot, according to the common course of things, be *practically* engaged in either. To the justice of this remark in Europe, few we think will object, who are acquainted with the structure of European society. Here in America, the class of professed philosoph-

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ical writers cannot be said to exist, and the duty of directing the opinions of their fellow-citizens on all subjects necessarily devolves on some class of professional or practical men.

Besides this necessity of the case, our merchants are a class of men in general, most interested in manufacturing establishments; and the most extensive agricultural improvements have, also, in the northern and eastern states, been made by those, who, in earlier life, were employed in commerce. The agriculture of the great planters at the south is indeed an independent pursuit, but, as is judiciously observed by Mr Webster, in his discourse at Plymouth, of the agriculture of the West Indies, it is in its leading features of the nature of commerce, dealing in the exchange of large masses of staple products. It is accordingly not uncommon to meet with intelligent individuals in this country, who are in reality acquainted, as practical men, with two, if not with three, of the great pursuits in question, to a degree beyond what is often observed in Europe, where the partition walls among the different vocations in society, are much more lofty and solid than with us. And yet, notwithstanding this favorable circumstance for the formation, in this country, of what might be called a class of practical, political economists, it is the lawyers upon whom the task generally devolves of writing and speaking on the subject; and who, from Mr Hamilton down to Mr Baldwin, have done the most to give a direction to public opinion, on this subject. As political economy is purely a speculation, there is no wonder that it should have fallen into the hands of that profession, whose business it is to reduce all the affairs of life to principle, and to unfold, in the perplexed tissue of affairs, the abstract rule, by which they are to be settled. There is perhaps no study whose materials are to be drawn from out of doors life, of which the principles are more abstruse than political economy; and when we add to this the very extensive range from which these materials are to be gathered, it will not be wondered at that they require to be collected and digested, not in the walks of business, but in the solitude of meditation.

We make not these remarks in disparagement of the efforts of Mr Louis Say, who evinces a powerful mind, and who has evidently employed the intervals of his leisure in a profound study of the science, on which he has written. The treatise before us is of a critical nature. It passes in review the sys-

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tems of the most distinguished political economists, from that of Dr Quesnai down to that of the Vicomte de Saint Chamans, an author whom we shall presently introduce to the notice of our readers and the admiration of one portion of the political economists of the United States. Mr Louis Say successively treats of some of the principles and theories unfolded in the works of Quesnai, Dupont de Nemours, Adam Smith, (to whom one of the longest chapters is devoted,) of Mr Canard, the Earl of Lauderdale, of Mr Ganilh, of Mr Ricardo, (whose views are also investigated at length,) of Mr Malthus, of J. B. Say, of Destutt de Tracy, and finally of the Vicomte de Saint Chamans. The work of our author being itself of a critical nature, and it being really necessary to put some limit to the range of reviewing, we shall not think of going into an examination of all its parts. We shall content ourselves with selecting as a specimen of Mr Say's criticism, his remarks on *the division of labor*, as explained by Adam Smith, and shall then borrow from him an account of the last named author, the Vicomte de Saint Chamans.

One of the greatest tributes to the merit of Adam Smith may be found in the numerous criticisms made upon him by his successors; criticisms, which have resulted in pointing out some errors. In the first attempt to constitute political economy into a science, it is no disparagement to say that errors have crept into his work; while the care and the acumen, which succeeding writers have bestowed on the *Wealth of Nations*, prove that the reputation of Adam Smith has not sustained itself, through the blindness and indifference of those who have followed him. No subject in this most sharp-sighted age, has been so keenly scrutinized as the wealth of nations, and no philosopher who wrote seventy years ago, has so well maintained his reputation as Adam Smith. The vehemence, not to say passion, with which he has been lately assailed in this country, leads us, before quoting Mr Say's observations, to remark that the work of Adam Smith was closely studied by those immortal statesmen, who framed the American Constitution. Mr Gallatin, in his profound discourse on the finances of the United States,* expresses the opinion, that in the provision relative to direct taxation, the very words of Adam Smith, in a sense, according to

* A Sketch of the Finances of the United States, by Albert Gallatin. New-York, 1796.

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Mr Gallatin, peculiar to that philosopher, are made use of by the framers of the constitution. Whoever will compare the first portion of Mr Hamilton's report on Manufactures, with the chapters of the Wealth of Nations, where the same topics are treated, will perceive that Mr Hamilton has often done little else than repeat in his own language what had been not ill said already by Dr Smith; to which indirect mode of quotation he seems to allude, when, towards the close of the preliminary part of that report, he introduces a quotation from 'the Wealth of Nations,' thus: 'the following remarks are sufficiently judicious and pertinent to deserve a literal quotation.'* Lastly, we may observe, that Mr Gallatin, in the tract to which we have already alluded, repeatedly quotes, and in a respectful manner, this immortal work, which it is the practice of one class of writers in the United States, at the present day, to treat with affected derision. We have made this short digression, in the hope that the names of Gallatin, of Hamilton, and of the framers of the Federal Constitusion, will have some weight with that large class of our citizens, who may want leisure to read many books themselves, and whose prejudices are excited against the soundest deductions of political economy, by the assertion that Adam Smith and his followers are a school of dreamers. We now proceed to Mr Louis Say's remarks on the doctrine of the *division of labor*, as taught by Adam Smith. Those, who may think that he detects an error on this subject, in the 'Wealth of Nations,' may spare their triumph over its author, when they reflect that this error at least is common to all schools of political economy, and by the phrase 'division of labor,' is, as it were, incorporated into our language.

This phrase, according to our author, is confused and scarcely significant, and when the subject is analyzed, it will be found that what is ascribed by Adam Smith to the division of labor, is chiefly owing to the use of machinery. One man may in this way do the work, which twelve would have been necessary to perform without the requisite machines; and twelve men, deprived of the machines and tools which the pin-makers, for instance, use, would be far from fabricating as many

* Report of the Secretary of the Treasury on the subject of Manufactures, made Dec. 5, 1791. Reprinted by order of the House of Representatives, Dec. 7, 1809. See page 77.

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in the same space of time as one man, with the proper instruments and the skill to use them.

'This, pursues our author, is simple and evident; but Adam Smith seems to have rendered the subject complicated and obscure, in attributing the increase of wealth to what he calls the division of labor. In the first place, this expression is indistinct in itself, and Adam Smith before dwelling so long on 'division of labor' should have explained what he understood by this phrase. Nevertheless from the example which he cites of the pins, in which every one of the ten operations, necessary in making a pin, is performed by one man exclusively, it may be inferred that, by division of labor, he understands the separation of the different sorts of labor necessary to complete the production of a work, and the assignment to different workmen severally of those different operations. To a division of labor thus explained, Adam Smith attributes the increase of wealth, but it seems to us that his example shows that it is to the use of machines and instruments that it is to be ascribed, and not to the division of labor. In this example he begins with naming twelve operations necessary to the production of a single pin; divided as follows, among ten or twelve laborers, namely: 1. One who draws the wire. 2. One who straightens it. 3. One who cuts it. 4. One who points it. 5. One who grinds it at the top, to receive the head. 6, 7, 8. A first, second, and third workman, in making the head.* 9. One who puts on the head. 10. One who whitens the pins. 11. One who pricks the paper. 12. One who sticks the pins. He continues, "I have seen a small manufactory of this kind where ten men only were employed, and when some of them consequently performed two or three distinct operations. But though they were very poor, and therefore but indifferently accommodated with the necessary machinery, they could, when they exerted themselves, make among them about twelve pounds of pins in a day. There are in a pound upwards of four thousand pins of a middling size. Those ten persons, therefore, could make among them upwards of 48,000 pins in a day. Each person, therefore, making a tenth part of 48,000 pins, might be considered as making four thousand eight hundred pins, in a day. But if they had all wrought separately and independently, and without any of them having been educated to this peculiar business, they certainly could not each of them have made twenty,

* Mr Louis Say (or Garnier, the French translator of Adam Smith) makes the most of the latter here. His words in the original English are, 'to make the head requires two or three distinct operations.' Wealth of Nations, Book I. c. 1. In summing up the matter however, A. Smith observes, that 'the important business of making a pin is divided into about *eighteen* distinct operations.'

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perhaps not one pin in a day; that is certainly not the two hundred and fortieth, perhaps not the four thousand eight hundredth part of what they are at present capable of performing, in consequence of a proper division and combination of their different operations."'

'In the first place we remark on this example, that it is asserted that the ten workmen made in a day twelve pound of pins; which at the rate of twelve hours of effectual labor, amounts to a pound of pins to each hour of labor. Now as this pound contains 4000 pins, and as there are but 3600 seconds in the hour, it follows of consequence, that neither of the workmen can devote the whole of a second to the longest operation on one pin; because in one hour, four thousand pins must have passed through his hands, in order that at the close of the day, no one of the 48,000 be deficient in respect to any one of the operations. This is, at first, rather hard to believe, but there is nothing to reply to the words *I have seen*, with which A. Smith introduces the example. We may suppose, however, that these ten workmen were not charged with pricking the paper or sticking the pins, for these two operations would probably have required two workmen, so that there would have remained but eight workmen for the manufacturing of the 48,000 pins; which at the rate of ten operations to a pin, would make 48,000 operations a day for each workman, or scarce three quarters of a second to each operation, the twelve hours containing 43,000 seconds.

Confining then the manufacture to the ten first operations, by which a pin is produced, we may suppose very reasonably that a master pin-maker shall have learned and practised for himself each of these operations, and that he has been successively drawer of the wire, straightener, cutter, pointer, &c.; and consequently that in a factory which yields twelve pounds of pins in a day, or one pound of 4,000 pins in an hour, such pin-maker might have performed four thousand times in an hour any given operation, or, what is the same thing, 4,800 times in an hour and twelve minutes. Suppose then that the pin-maker, after having labored an hour and twelve minutes on the first operation, passes to the second and labors upon that, also, for one hour and twelve minutes, at the end of two hours and twenty-four minutes, he will have performed 4,800 times the two first operations. In continuing in this way, when he has finished the tenth operation, he will have labored for ten times one hour and twelve minutes, that is, for twelve hours; and he will have performed in this time four thousand eight hundred times every one of the ten operations, which compose the manufacture of a pin, that is to say, he will have manufactured 4,800 pins in the day, instead of twenty or even one, as maintained by Adam Smith. Allow that this pin-maker lose twelve minutes, at every change of operation by a little less

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dexterity for want of exclusive employment on one, and that he employ an hour and twelve minutes upon the operation which would have cost but an hour, to one devoted solely to it, and he will have made in the day 4,000 pins only, instead of 4,800; that is, only one sixth less, instead of four thousand eight hundred times less, which, according to Adam Smith, would have been the result of a want of the division of labor.' p. 34—38.

Though we think our author here attributes too little to the dexterity acquired by exclusively performing one operation, yet we agree with him, in the main, that Adam Smith has most unreasonably exaggerated the beneficial effects of a division of labor; and we have no doubt that on analyzing the mechanical trades, where the greatest gains are ascribed to this division, it would be found that the chief saving was in the use of tools. Still, however, the mistake of Smith is rather in too great a detail of his example, and above all in using the phrase of 'division of labor,' than in his principles. When he comes to explain *how* the division of labor is advantageous, he very correctly ascribes its advantages, *first*, to the superior dexterity acquired by being confined to one operation; *secondly*, to a saving of time, which would be lost in passing from one operation to another; and *thirdly*, and lastly, (and we will add *mainly*,) to the use of proper machinery.* The true doctrine of the division of labor, we apprehend, will be found contained in this proposition, namely, that, other things being equal, 'those manufactures will be most productive, where the business is conducted on so *large a scale*, that appropriate machinery and separate workmen will be assigned to every operation.' This proposition implies a great market, and a great capital, and in short all those things, well known to favor the rapid accumulation of wealth, and leaves little or nothing to result from the metaphysical notion of division of labor. The whole error of Smith, like most of his other errors, is merely a little of that looseness of language, which must necessarily creep into the first essays on a moral science.

We proceed now to make our readers acquainted with a work entitled '*Du systeme d' import fondé sur les principes de l' économie politique*;'—'a system of taxation founded on the

* These three modes, in which the advantageous operation of the division of labor is explained, are mentioned in Hamilton's report on manufactures, nearly in the words of Adam Smith.

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principles of political economy,' by the Vicomte de Saint Chamans, master of requests to the council of state, and prefect of the department of the Haute-Garonne. Mr Louis Say treats this work, with great external magnanimity, but it is plain that he regards it with mingled pity and horror, and he reasons against it with that melancholy earnestness, with which a sensible man always urges self-evident truths on those, who he knows will not comprehend them.

'The works hitherto noticed, says he, are all of the school of Adam Smith, and their errors arise from the faults of his nomenclature. The work we are now to examine belongs not to this school; it may be regarded as representing the vulgar opinions on political economy. It is for that reason that I proceed to refute not so much the errors contained in it, as those of people ill instructed in what concerns the interest of nations; and what is singular enough is that the greater part of governments are of this number.'

For ourselves we shall not take the thing so much to heart, but quote a few of M. de Saint Chamans' maxims, and leave them to the judgment of our readers.

His fundamental maxim is, 'all consumption is productive;' from which postulate he deduces three consequences:

'1. That saving, instead of enriching, empoverishes the state; he who spends all his income, enriches society; he who spends his capital ruins himself, but does not impoverish society,—on the contrary he enriches it.

'2. Luxury is the greatest source of wealth for countries, where there is industry enough to supply all kinds of demand.

'3. That the expenses of the government do not impoverish the country any more than private expenses, and that taxes, well laid, instead of impoverishing enrich a country.'

Having quoted these principles and the illustrations which M. de Saint Chamans subjoins, Mr Louis Say states the reasons, why the worthy viscount cannot, as would at first be suspected, be thought ironical. The only reason why he ought to be supposed sincere in his paradoxes has escaped Mr Say; it is, that the prefect of the Haute Garonne is ignorant of the subject of political economy.—Happy for the world if the Haute Garonne were singular in its prefect.

The second chapter of his work is entitled *on gold and silver coin and on the balance of trade*, a chapter which, if we

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mistake not, will procure the viscount the honor of being translated in this country, and of passing through three or four editions in as many weeks. There is a wrathful naïveté in Mr Say's manner of introducing his notice of this chapter, which has a good deal pleased us.

'The ideas of M. de Saint Chamans, on money, and on the balance of trade, are those which are the most generally adopted by persons who have reflected but little on the matter, and who regard first appearances as decisive; like children who because they see the sun every day traverse the heavens from east to west, believe they know the nature of this luminary, not being able to distinguish the appearance from the reality, and who, in proportion to their own ignorance, laugh at those who tell them the sun is at rest in the centre of the system.'

The following is M. de Saint Chamans' system of the balance of trade.

'That a country is growing rich by drawing specie to itself from foreign countries; that it grows poor when specie passes from it to other countries; to take, in consequence, all modes of discovering which country sends the most merchandise to the other, and draws the most specie from it; to adopt every step either by prohibition of foreign merchandise, or by forbidding the exportation of gold and silver, to make one's country sell more than it buys, and by consequence, receive a tribute in money, which is called having the balance of trade in its favor, in a word, to have this balance in our own favor, and to prevent its being against us, *voila*, says M. de Saint Chamans, the system long adopted by the governments of Europe.'

Thus far the doctrines of the author, with whom Mr Say has made us acquainted, are certainly not peculiar to him, though not often embodied in treatises of political economy. In the principles, which we now proceed to quote, though our readers may not espouse his opinions, they will probably do full justice to his consistency.

His third chapter is entitled, on *Prohibitions and Machines*, and thus he handles them.

'A premium of a million of francs, says he, has been offered for the invention of a machine for spinning flax and hemp. What would become of the persons of the two sexes now employed in spinning by hand? It would be wiser to pay a million to bury the secret, if it should be discovered. It were to be wished that governments would cease to rush blindly towards such improvements, and weigh the danger which arises from machines.'

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Fortunate for Sir Richard Arkwright, that he was not a native of the Haute Garonne; fortunate for Mr Whitney, that he did not devise the saw-gin in the prefecture of M. de Saint Chamans, unless he should think that in the viscount's proposal to pay a million francs to keep the machine secret, he should have fared better than he has done by making the saw-gin known.

The tenth section of this classical treatise, is on the advantages of taxation, which the viscount esteems one of the great blessings of civilized society. The illustration which he offers in support of it, shows the *practical* economist.

'A robber takes from me a purse of a thousand francs, and buys with them a fine horse, which I proposed to buy. I perceive indeed, that I have sustained a change and a loss, but I see that society has suffered neither, and is quite indifferent whether I or the robber be the rider or the walker.'

This author adds with astounding frankness, '*the government who taxes, is a legal robber*,' a proposition which Mr Say professes his willingness to take on the credit of the viscount, 'who being an agent of the government is competent to speak to the point.'

But it is time to leave this noble author, whose work we believe is the only one bearing the name of a treatise on political economy, in which such doctrines as we have quoted from it are held forth. These doctrines, it is true, have a great and extensive agency in the world; not as Mr Louis Say thinks, because the governments at the present day share the opinions of Mr Saint Chamans, but because they dare not adventure on great changes. M. de Saint Chamans declaims against machines; did the invention of machinery depend on governments, the terrors of a Luddite mob, might often influence the weak nerves of a minister to prohibit the most brilliant improvements. Adam Smith observes, in the so often quoted and admirable illustration, that at about thirty times the expense of French wine, very good wine could be raised in Scotland. Suppose that the ministers of a former day had followed up their theory resolutely, had prohibited all foreign wines, had offered bounties for the juice of the domestic grape, and at length brought the thing so far that the Lothians were covered with green-houses and intersected with flues; that many millions of pounds sterling were invested in the estab-

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lishment, and that six hundred thousand laborers received from it their support. Would any minister dare to repeal the laws, by which this preposterous burden was laid on the nation? Let the history of Spitalfields—the miniature of this supposed monstrous case—furnish the answer. It requires only that an abuse should be established, that a strong local interest be pledged to its support, that capital be invested in sufficient quantity, and laborers depend in sufficient numbers on the continuance of the nuisance, and ministers will love their popularity too well to abate it. The interested few, are ever more zealous than the oppressed many. Various such partial interests combine to support each other. The dealer in Port wine, lends a vote to the silk mercer, against the importation of French silks, and has his reward in another vote against the importation of claret. There is no doubt but that in this way, by a system of compromises, well adapted and long pursued, industry, even when disjointed on the rack of legislative interference, may yet fix itself in a firm, though in an unnatural posture, as a man may get to walk about upon a limb which has been dislocated and has grown callous out of the socket. But his motions are stiff and inconvenient; and what is worse, the evil cannot be remedied, or only by cruel sufferings. Thus the great remedy of the gathering abuses in states, is too often derived only from the last solemn act of an over taxed, an over governed, an over wrought people: from the stern and elementary legislation, which passes not beneath pillared domes nor on the luxurious sofas of a senate-house, among the benignant mockeries of black rods and white rods, and the tinkling of speakers' bells, and the putting down and taking up of maces; but in the stormy tribunals of the multitude, long suffering, late awakening, and slowly satiated. Prohibitions, bounties, monopolies, succeed upon each other by reasons of state, compromise of rival interests, delusion, or timidity of rulers, till the whole action of society is disordered, and when the evil is too great to be longer borne, the populace rising in its strength and in its wrath, as blind as it is infuriated, conscious only of its sufferings and ignorant of the remedies sweeps all off at one blow, and substitutes Jack Cade's tariff in its stead: 'Then shall seven halfpenny loaves be sold for a penny: the three hooped pot shall have ten hoops, and I will make it felony to drink small beer.' By the blessed device

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of a representative government, our beloved country has hitherto been spared from a near approach to these evils. In the expressive language of Mr Gallatin, at the close of his report on Manufactures, April 17, 1810, 'no cause has more promoted, in every respect, the general prosperity of the United States, than the absence of those systems of internal restrictions and monopoly, which continue to disfigure the state of society in other countries.' The various, and, if we must call them so, the conflicting interests, find their respective advocates on the floor of congress, and there will ever be much reason to acquiesce in what is there done, as being done on a large view of the general welfare. In the great question, which has for some years past been there agitated, of additional encouragement to the manufacturing interest, those concerned in it certainly cannot complain that their cause has not been pressed with ability and zeal, and will find we think, on a calm review of what has been done for them, that those, who have opposed the full extent of their demands, have, nevertheless, in the language of our revered chief magistrate, to the sixteenth Congress, been willing to extend to manufactures, all the encouragement, which is consistent with a 'due regard to the other great interests of the nation.'

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